

By Mr. FREAR: A bill (H. R. 14223) amending section 230 of the revenue act of 1921; to the Committee on Ways and Means.

By Mr. DALLINGER: A bill (H. R. 14224) to determine proceedings in contested elections of Members of the House of Representatives; to the Committee on Elections No. 1.

By Mr. CLARKE of New York: A bill (H. R. 14225) to provide through cooperation between the Federal Government, the States, and owners of timberlands for adequate protection against forest fires, for the reforestation of denuded lands, for the extension of national forests, and for other purposes, in order to promote forest renewal and the continuous production of timber on lands chiefly suitable therefor; to the Committee on Agriculture.

By Mr. VOLSTEAD: A bill (H. R. 14226) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916; to the Committee on the Judiciary.

By Mr. FREAR: A joint resolution (H. J. Res. 436) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: A resolution (H. Res. 511) for the consideration of S. 4187; to the Committee on Rules.

By Mr. IRELAND: A resolution (H. Res. 512) authorizing the appointment of additional clerk, who shall be under supervision of the Clerk of the House; to the Committee on Accounts.

By the SPEAKER (by request): Memorial of the Legislature of the State of North Dakota asking Congress to transfer the tract of land with buildings thereon known as Fort Lincoln to the State of North Dakota, so that this property may be used as a State training school; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DEMPSEY: A bill (H. R. 14227) granting a pension to Elizabeth Cummings; to the Committee on Invalid Pensions.

By Mr. FENN: A bill (H. R. 14228) granting a pension to Henrietta Richmond; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 14229) granting a pension to David Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14230) granting a pension to Harry M. Davis; to the Committee on Pensions.

By Mr. REECE: A bill (H. R. 14231) granting a pension to Cordelia Kite; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14232) granting a pension to Maggie Wilson; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 14233) granting an increase of pension to Sarah E. Coleman; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 14234) granting a pension to Barbara L. Houston; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7205. By Mr. ABERNETHY: Petition of Oasis Temple of Shriners, by resolution passed at the regular meeting at Charlotte, N. C., on December 7, 1922, indorsing and urging the passage of the Townner-Sterling bill providing for the creation of a department of education with the head of that department a member of the President's Cabinet and under and by which the cause of education will be materially advanced; to the Committee on Education.

7206. By Mr. CHALMERS: Petition protesting against the passage of House bill 9753, or any other Sunday bill, as, for example, House bill 4388 and Senate bill 1948; to the Committee on the District of Columbia.

7207. By Mr. FROTHINGHAM: Petition from 2,176 citizens of the fourteenth congressional district of Massachusetts, asking consideration and passage at this session of Congress of a United States ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

7208. By Mr. KAHN: Petition of the California Club, of San Francisco, Calif., urging that an antinarcotic week be proclaimed early in 1923 as a means of mobilizing all public-spirited bodies for the work of arousing the American people to the gravity of the drug menace; to the Committee on Interstate and Foreign Commerce.

7209. Also, petition of citizens of San Francisco, Calif., urging Congress to extend immediate aid to the people of the Ger-

man and Austrian Republics; to the Committee on Interstate and Foreign Commerce.

7210. Also, petition of the Council of Jewish Women, Section of San Francisco, urging that an antinarcotic week be proclaimed early in 1923 as a means of mobilizing all public-spirited bodies for the work of arousing the American people to the gravity of the drug menace; also urging an international conference on the narcotic problem, with a view to securing the limitation by treaty of the basic production of poisonous drugs which constitute a major menace to American life; to the Committee on Interstate and Foreign Commerce.

7211. Also, petition of the Woman's Christian Temperance Union of California, urging that an antinarcotic week be proclaimed early in 1923 as a means of mobilizing all public-spirited bodies for the work of arousing the American people to the gravity of the drug menace; and urging an international conference on the narcotic problem, with a view to securing the limitation by treaty of the basic production of poisonous drugs which constitute a major menace to American life; to the Committee on Interstate and Foreign Commerce.

7212. By Mr. KISSEL: Petition of Ward & Tully (Inc.), Brooklyn, N. Y., urging modification of the present immigration law; to the Committee on Immigration and Naturalization.

7213. By Mr. MEAD: Petition of members of Wurttemberger Schwaben Unterstutzungs Verein, Buffalo, N. Y., urging Congress to extend aid to the people in the famine areas of Germany and Austria; to the Committee on Foreign Affairs.

7214. By Mr. TINKHAM: Petition of the board of aldermen, Medford, Mass., favoring an embargo being placed on coal shipped from the United States to Canada; to the Committee on Interstate and Foreign Commerce.

7215. By Mr. YATES: Petition of J. T. Witt and 31 other residents of Macoupin County, Ill., urging a policy of protection toward the Federal farm loan act and opposing all measures which might destroy its intention; to the Committee on Banking and Currency.

SENATE.

WEDNESDAY, February 7, 1923.

(Legislative day of Monday, February 5, 1923.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

NAMING A PRESIDING OFFICER.

The Secretary, George A. Sanderson, read the following communication:

WASHINGTON, D. C., February 7, 1923.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. GEORGE H. MOSES, a Senator from the State of New Hampshire, to perform the duties of the Chair this legislative day.

ALBERT B. CUMMINS,
President pro tempore.

Mr. MOSES thereupon took the chair as Presiding Officer.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll. The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McKellar	Sheppard
Ball	Frelinghuysen	McKinley	Shields
Bayard	George	McNary	Shortridge
Borah	Gerry	Moses	Spencer
Brandegge	Glass	Nelson	Sterling
Brookhart	Gooding	New	Sutherland
Broussard	Harrison	Nicholson	Swanson
Calder	Heflin	Norbeck	Townsend
Cameron	Johnson	Norris	Underwood
Capper	Jones, Wash.	Oddie	Wadsworth
Caraway	Keyes	Overman	Walsh, Mass.
Colt	King	Page	Warren
Culberson	Ladd	Phipps	Watson
Curtis	Lodge	Poin Dexter	Willis.
Dial	McCormick	Pomerene	
Dillingham	McCumber	Reed, Pa.	

Mr. BROOKHART. I wish to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on business of the Senate.

Mr. HARRISON. I wish to state that the Senator from Arkansas [Mr. ROBINSON], the Senator from Georgia [Mr. HARRIS], and the Senator from Louisiana [Mr. RANDELL] are absent on official business.

The PRESIDING OFFICER. Sixty-two Senators having answered to their names, a quorum is present.

WASHINGTON & OLD DOMINION RAILWAY.

The PRESIDING OFFICER (Mr. MOSES) laid before the Senate a communication from the president of the Washington & Old Dominion Railway, transmitting, pursuant to law, the report of that railway for the year ended December 31, 1922, which was referred to the Committee on the District of Columbia.

DEPARTMENTAL USE OF AUTOMOBILES.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of War, transmitting, in further response to Senate Resolution 399, agreed to January 6, 1923, information relative to the number and cost of maintenance of passenger-carrying automobiles in use by the War Department, covering the nine corps areas, the three overseas departments, the Graves Registration Service, and United States military attachés abroad, which was ordered to lie on the table.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the Legislature of New York, which was referred to the Committee on Immigration:

IN THE SENATE OF THE STATE OF NEW YORK,
Albany, January 31, 1923.

Whereas the immigration laws enacted by the Congress of the United States have operated so as to work injustice on many foreign born aspiring to be citizens of this country, to deny to the oppressed of other countries the refuge and the opportunity which this country has traditionally offered to the human race, and to deprive this country itself of that influx of law-abiding, industrious, and thrifty men and women such as have in the past built up our industries and our commerce;

Whereas the most objectionable feature of such immigration laws is the so-called "quota" provision thereof:

Resolved (if the assembly concur), That Congress be, and it hereby is, memorialized so to revise the immigration laws as to eliminate therefrom such objectionable provision and to provide a statute which, while judiciously excluding undesirable elements, will permit of the free immigration to the country of those who intend by honest, earnest, and worthy means to take advantage of the benefits of our Nation and its institutions.

Resolved (if the assembly concur), That a copy of this resolution be transmitted to the Clerk of the Senate and of the House of Representatives of the Congress.

By order of the senate.

D. F. MULLANEY, Clerk.

In assembly, February 1, 1923.

Concurred in without amendment.

FRED W. HAMMOND, Clerk.

Mr. McCUMBER presented the following resolution of the Legislature of North Dakota, which was referred to the Committee on Military Affairs:

DEPARTMENT OF STATE,
STATE OF NORTH DAKOTA.

To all to whom these presents shall come:

I, Thomas Hall, secretary of state of the State of North Dakota, do hereby certify that the following concurrent resolution was adopted by the eighteenth legislative assembly.

Dated at Bismarck, N. Dak., this 3d day of February, 1923.

[SEAL.] THOMAS HALL, Secretary of State.

Concurrent resolution introduced by J. C. Miller.

Be it resolved by the House of the Eighteenth Legislative Assembly of the State of North Dakota (the Senate concurring therein):

Whereas the location of the training school of the State of North Dakota is insanitary by reason that portions of its site are annually inundated by the Missouri and Heart Rivers, causing great financial loss and being a source of disease; and

Whereas said training school is in a much overcrowded condition, having room to comfortably house and care for only about one-third of its present occupants; and

Whereas children of all ages and sexes and of varying degree of moral and mental development are thrown together, thereby creating an improper atmosphere; and

Whereas there is an insufficient amount of land in connection with the said training school for the employment of such pupils during such time as they are not occupied in mental training or recreation; and

Whereas the property now used by the State of North Dakota for a training school is badly needed for other purposes; and

Whereas the resources of the State have been impaired by drought and other causes of crop failure to such an extent that it can not provide the necessary facilities needed for those requiring a training school; and

Whereas the United States Government now owns and controls a tract of land, with buildings thereon, known as Fort Lincoln, admirably situated for the purpose of a training school; and

Whereas such land and buildings are wholly unoccupied and are an expense to the Government in the repair, maintenance, and upkeep thereof: Now, therefore, be it

Resolved by the House of Representatives of the State of North Dakota (the Senate concurring therein), That the Congress of the United States at its earliest possible convenience take such action as is necessary to the end that this property may become available to the State of North Dakota for the use thereof as a State training school; and be it further

Resolved, That the secretary of state be instructed to transmit a copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and one to each of the Members of both Houses of Congress from the State of North Dakota, immediately upon its passage and approval.

Mr. WILLIS presented a resolution of the Dixie Chapter, United Daughters of the Confederacy, at Columbus, Ohio,

favoring an amendment to the Constitution regulating child labor, which was referred to the Committee on the Judiciary.

Mr. NELSON presented a communication in the nature of a petition from the president of the Mahanomen Business Association, of Mahanomen, Minn., praying that an appropriation be made for the relief of the Chippewa Indians of Minnesota, which was referred to the Committee on Indian Affairs.

Mr. KEYES presented resolutions of members of the Brookline Federated Churches of Brookline and of the Manchester District Conference of Club Women of Derry, Goffstown, Greenville, Hudson, Hollis, Merrimack, Manchester, Milford, Mont Vernon, Nashua, New Boston, Salem, and Windham, all in the State of New Hampshire, praying for an amendment to the Constitution regulating child labor, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented petitions, numerous signed, of sundry citizens of the State of Michigan, praying for the passage of legislation extending immediate aid to the famine-stricken peoples of the German and Austrian Republics, which were referred to the Committee on Appropriations.

Mr. McLEAN presented a memorial of sundry citizens of Stonington, Conn., remonstrating against the passage of the so-called Bursum bill, affecting Pueblo Indian lands, and urging the passage of the so-called Jones bill on the same subject, which was referred to the Committee on Public Lands and Surveys.

He also presented a resolution adopted at the annual session of the Connecticut State Grange, at Middletown, Conn., favoring the passage of the so-called Voigt filled milk bill, which was ordered to lie on the table.

He also presented a resolution of Camp No. 10764, Modern Woodmen of America, at New Britain, Conn., protesting against the passage of the so-called Richmond bill, affecting mortuary funds and classification of members of fraternal insurance societies, etc., which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the United Workers of Norwich, Conn., favoring an amendment to the Constitution regulating child labor, which was referred to the Committee on the Judiciary.

Mr. LADD presented a resolution of the Drake National Farm Loan Association, of Drake, N. Dak., protesting against the passage of the so-called Strong bill, amending certain sections of the Federal farm loan act, etc., which was referred to the Committee on Banking and Currency.

REPORT OF COMMITTEES.

Mr. McCUMBER, from the Committee on Finance, to which was referred the bill (H. R. 10816) to fix the annual salary of the collector of customs for the district of North Carolina, reported it without amendment and submitted a report (No. 1089) thereon.

Mr. BAYARD, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 1104. An act for the relief of Marion B. Patterson (Rept. No. 1090); and

S. 3394. An act for the relief of the De Kimpke Construction Co., of West Hoboken, N. J. (Rept. No. 1091).

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 2787. An act for the relief of the Neah Bay Dock Co., a corporation (Rept. No. 1092);

S. 3843. An act for the relief of the owners of the steamship *Kin-Dave* (Rept. No. 1093);

S. 4322. An act for the relief of the owners of the barge *Havana* (Rept. No. 1094); and

S. 4396. An act for the relief of Eldredge & Mason, of Malone, N. Y. (Rept. No. 1095).

H. R. 962. An act for the relief of the heirs of Robert Laird McCormick, deceased (Rept. No. 1096);

H. R. 2702. An act for the relief of J. W. Glidden and E. F. Hobbs (Rept. No. 1097);

H. R. 4421. An act for the relief of John Albrecht (Rept. No. 1098);

H. R. 5251. An act for the relief of Ruperto Vilche (Rept. No. 1099);

H. R. 7322. An act for the relief of John F. Homen (Rept. No. 1100);

H. R. 8448. An act for the relief of Joseph Zitek (Rept. No. 1101);

H. R. 9862. An act for the relief of the Fred E. Jones Dredging Co. (Rept. No. 1102);

H. R. 9944. An act for the relief of Vincent L. Keating (Rept. No. 1103);

H. R. 10047. An act for the relief of Frances Martin (Rept. No. 1104); and

H. R. 10179. An act for the relief of Americus Enfield (Rept. No. 1105).

Mr. CAMERON, from the Committee on the District of Columbia, to which was referred the bill (S. 4117) authorizing the closing of certain portions of Grant Road, in the District of Columbia, and for other purposes, reported it without amendment and submitted a report (No. 1106) thereon.

Mr. GOODING, from the Committee on the District of Columbia, to which was referred the bill (H. R. 5018) to authorize the widening of First Street NE, and for other purposes, reported it without amendment and submitted a report (No. 1107) thereon.

Mr. PEPPER, from the Committee on Naval Affairs, to which was referred the bill (H. R. 1290) for the relief of Cornelius Dugan, reported it without amendment and submitted a report (No. 1108) thereon.

Mr. SWANSON, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 6538. An act for the relief of Grey Skipwith (Rept. No. 1109); and

H. R. 11340. An act to advance Maj. Ralph S. Keyser on the lineal list of officers of the United States Marine Corps, so that he will take rank next after Maj. John R. Henley (Rept. No. 1110).

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARRELD:

A bill (S. 4491) to enroll certain persons, if entitled, with the Choctaw Tribe of Indians; to the Committee on Indian Affairs.

By Mr. CALDER:

A bill (S. 4492) to amend section 4 of the national defense act; to the Committee on Military Affairs.

A bill (S. 4493) for the relief of the owners of the American schooner *Moust Hope*; and

A bill (S. 4494) for the relief of the owners of the schooner *Blanche C. Pendleton*; to the Committee on Claims.

By Mr. PEPPER:

A bill (S. 4495) to provide for the carrying out of the award of the War Labor Board of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., at Bethlehem, Pa.; to the Committee on Claims.

By Mr. SWANSON:

A bill (S. 4496) to establish a national park in the State of Virginia (with an accompanying paper); to the Committee on Public Lands and Surveys.

By Mr. STERLING:

A joint resolution (S. J. Res. 276) proposing payment to certain employees of the United States; to the Committee on the Judiciary.

NAVAL STORES TRAFFIC.

Mr. HARRISON submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 1076) establishing standard grades of naval stores, preventing deception in transactions in naval stores, regulating traffic therein, and for other purposes, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

JENNIE LIERLE, ALICE EVARTS, AND CORA C. WOOD.

Mr. POINDEXTER submitted the following resolution (S. Res. 435), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the contingent fund of the Senate to Jennie Lierle, Alice Evarts, and Cora C. Wood, daughters of John L. Ridenour, late a private of the Capitol Police, authorized by sundry civil act, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the bill (S. 2023) defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed, and for other purposes.

WAR DEPARTMENT APPROPRIATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. BORAH. Mr. President, referring to page 106 of the bill, I offer an amendment, in line 12, to strike out the numerals "\$56,589,910" and to insert in lieu thereof "\$27,000,000." The item to which I refer is what is known as the rivers and harbors item, and the amount which I offer in lieu of the figures in the bill is the amount which was recommended by the Budget Bureau.

I called attention yesterday to the peculiar way in which the rivers and harbors appropriation item comes to the Senate for consideration at this time. It is here in a single item in the War Department appropriation bill. We are practically deprived of any opportunity of considering or discussing the separate items which make up the \$56,000,000. But the point which I now present is the question of whether we shall disregard entirely the recommendations of the Budget Bureau.

I am not opposed to rivers and harbors appropriations, as such, in their entirety. I recognize that there are projects which have merit and for which appropriations ought to be made, but I think if there are any two propositions to which the party now in power and responsible for legislation were committed in the last campaign it was, first, to give the Budget law a fair opportunity to demonstrate its worth and, second, that of economy. As the President said in his address to the heads of the departments some weeks ago, it is practically impossible to have economy in public expenditures unless we in good faith undertake to apply the Budget law. Now, I have not been a believer in the advocacy of the Budget system to the extent of some of its advocates. I feel that the responsibility after all is here in the Congress. But if it is to be given a fair opportunity, now is the time to test our faith in the law.

What is known as the McCormick budget law was passed about a year ago, and this is really the first test which the law is to have. Strangely enough and peculiarly enough, the test comes between the budget law and the rivers and harbors appropriation. As stated by the Senator from New York [Mr. WADSWORTH] yesterday—

Mr. MCCORMICK. The Senator from Idaho does not think it is strange that the test should come there? Where more likely would it come than on the rivers and harbors appropriation?

Mr. BORAH. I should say, then, that strangely enough the defeat of the budget law will come when it meets the rivers and harbors appropriation item.

Mr. MCCORMICK. That is more interesting.

Mr. BORAH. At any rate, we are now met with the proposition of whether we shall wholly disregard the recommendations of the Budget Bureau when it comes to the question of appropriating for rivers and harbors. The Budget Bureau recommended \$27,000,000.

Mr. WATSON. Mr. President, will the Senator permit an interruption?

Mr. BORAH. Certainly.

Mr. WATSON. Did the Budget Bureau specifically state the items of the appropriation and the amount for each? I wondered for what they recommended appropriations, or whether or not they recommended a lump sum.

Mr. BORAH. I understand they recommended a lump sum, and, of course, they made a recommendation after studying, as I understand, the different projects. That is my understanding.

Mr. WATSON. I did not know but that it was in the report.

Mr. McCUMBER. Mr. President, will the Senator yield?

Mr. BORAH. Certainly.

Mr. McCUMBER. Does the Senator understand that they studied the different projects?

Mr. BORAH. That is what I understand.

Mr. McCUMBER. Is there any claim that the Appropriations Committee studied each one of the projects on which an estimate was made by the engineers and considered the feasibility and propriety of each of the projects?

Mr. BORAH. No; I did not say that the Committee on Appropriations studied each project. I said I assumed that the Budget Bureau must have studied the different projects in order to arrive at an intelligent conclusion.

Mr. McCUMBER. But there is no evidence here that the committee studied any of them or exercised any judgment

whatever in reference to the various projects. If there is, I would like to get the recommendations which were made by the committee and the reasons for the recommendations.

Mr. BORAH. I do not know what the committee did in the way of studying the projects. I assume that in all probability the committee did not take up the different projects because the way the bill is now being considered they likely found it impractical to do so.

Mr. WARREN. Mr. President, will the Senator yield?

Mr. BORAH. Certainly.

Mr. WARREN. The Senator will remember that the rivers and harbors item is for the second time on the War Department appropriation bill. Under the rules of the Senate, in the consideration of the rivers and harbors items there are at least three members taken from the Committee on Commerce, which formerly had jurisdiction of that matter, to sit with and as a part of the Subcommittee on Appropriations and also the general Committee on Appropriations. The general Appropriations Committee had all the estimates. The Budget had picked out a list of items and grouped them together in one sum and made a lump-sum recommendation; the committee's work is to take that recommendation for granted, unless in looking over the special items which it constituted they deem it wise to vary from the Budget recommendation. In other words, the Budget is taken at its best judgment, unless the Congress committees determine otherwise.

Mr. McCUMBER. If the Senator will yield to me for another question—because I am going to support his amendment, but I want a little information on it—I want to know where I can look for the proper information if I find that the engineers have recommended \$500,000 for Tadpole Inlet, and I want to know why it is recommended and what they expect from it. I am entitled to have that if I am going to vote upon the subject of this extra \$29,000,000, or even the \$27,000,000. I may not agree that Tadpole Inlet is worth putting in \$500,000 extra in dredging it, and so with many other streams, and so forth. I wish some one connected with this legislation would direct me where to find the information upon which I can exercise some judgment as to whether I should vote to increase it to \$29,000,000 or reduce it to \$10,000,000 or \$15,000,000 below the estimates.

Mr. KING. The Senator must not ask for impossibilities.

Mr. McCUMBER. If the Senator will give me that information I shall be greatly obliged to him.

Mr. BORAH. Mr. President, I will ask the Senator from New York if he can advise the Senator from North Dakota as to where he can get the Engineers' report on these different projects—Tadpole Inlet and others?

Mr. WADSWORTH. Mr. President, the only Engineers' report with which I am familiar is the one which is printed in the House hearings, which sets forth the projects and the amounts of money which it is proposed to spend on each project under the \$56,000,000 plan. The Budget Bureau itself, in recommending an appropriation of \$27,625,760, does not recite the projects upon which that sum in the aggregate is to be spent. It gives a recapitulation of the general purposes for which the \$27,000,000 plus is to be spent, but not the list of projects.

Mr. KING. Mr. President, will the Senator from Idaho yield?

Mr. BORAH. I yield.

Mr. KING. May I invite the attention of the Senator from New York to the fact, however—and it is a fact, as I am advised—that the engineers went before the Budget Bureau, General Lord and his associates, and submitted a statement asking for over \$50,000,000—indeed, seventy-odd million dollars, including certain appropriations for the Mississippi River—and the Budget Bureau had before it whatever data the engineers had before them, and, with that information before the Budget Bureau it made a recommendation of \$27,651,000.

Mr. WADSWORTH. Just to make it absolutely accurate—I think I am accurate about it—I do not think the engineers were put in the position of asking for the \$56,000,000. I think they were asked to submit a memorandum setting forth what sums, in their judgment, could be advantageously spent on the several authorized projects. The Chief of Engineers first received recommendations on that point from all the district engineer officers in actual charge of the river and harbor work in the different parts of the country. Their recommendations came in from each district. That was toned down in the office of the Chief of Engineers, and finally the Chief of Engineers submitted the list of projects with the sums opposite each project which, in the judgment of the Engineers Corps, could be advantageously expended; but they were asked to do that.

Mr. KING. And with that information before the Budget Bureau that bureau recommended the \$27,000,000 plus?

Mr. WADSWORTH. It did.

Mr. McCUMBER. But even in those recommendations, do the engineers or the bureau indicate the usefulness of each of these several projects—the deepening or the widening of Frog Creek, for example? Do they show how it will be necessary, how it will help the Government, how it will tend to increase our commerce, inland or with foreign nations? Really that is the information that we want to get at.

Mr. BORAH. Mr. President, of course there is no such information as that. If such information as that were required, that would cleanse and clarify the whole proposition of river and harbor appropriations. If they were required to show wherein a number of these projects would benefit interstate commerce or benefit trade between the States in any way, I apprehend they would be unable to do it. In view of the manner in which the bill is now being presented the Senator from North Dakota will never be able to obtain that kind of information.

Mr. FLETCHER. Mr. President, if the Senator from Idaho will allow me for just a minute, I desire to say that all the information the Senator from North Dakota has suggested should be obtained is found in the report of the Chief of Engineers and has been available ever since last December. It embraces two large volumes, which we have here. It is also found in the hearings before the House committee and in the hearings of the Appropriations Committee of the Senate. So the data are all furnished there. Such "frog ponds" and "tadpole creeks," for instance, as New York Harbor will receive an appropriation of something like \$7,000,000 under this bill. Such insignificant streams as the Ohio River will also get something like \$7,000,000 of this appropriation. Those matters are all set forth in the hearings. I could take time to refer to some of the important ones if the Senator desired, but I think that is hardly necessary.

In the first place, as the bill now stands, the appropriation of \$13,000,000 is intended for the maintenance of projects which have been already adopted, upon which work has been prosecuted for years, and which are to be completed. There is also an appropriation of \$13,000,000 for inaugurating the work on 35 projects which were selected out of 200 projects which had been recommended by the engineers in December, 1922. Then the work of improving such small streams as I have mentioned constitutes a good part of the additional appropriation of approximately \$30,000,000.

Mr. BORAH. Mr. President, I repeat that there are undoubtedly projects which ought to be appropriated for, and to which I should not offer any objection, but I think that all Senators must agree that there are projects always being urged and often appropriated for which are indefensible and which it would be impossible to show would be beneficial to commerce should the appropriation be made.

I have examined to some extent the reports to which the able Senator from Florida has referred and they do contain information, but there is not the information contained in them, so far as I have been able to discover, for which the Senator from North Dakota was calling; that is to say, the information which would show wherein and how these different appropriations, with a very few exceptions, would benefit interstate commerce. There are appropriations for streams down which, in my opinion, a duck could not float during a large portion of the year, and as to which it would be impossible to show wherein commerce would be benefited by appropriations for their improvement. There are some benefits to be derived from certain of the projects, of course, and very little argument is needed in their support.

However, I come back, Mr. President, to the point which I desire to stress particularly, but only briefly so far as this particular amendment is concerned. The amount suggested in lieu of the figures now carried by the bill is the amount which was recommended by the Budget Bureau. We must assume that the Budget Bureau made an investigation of this subject, and that it arrived at its conclusion after a fair investigation. If we should assume that the Budget Bureau merely suggested a lump-sum appropriation, without any investigation at all, that would be the severest indictment which could possibly be brought against the entire budget system. We must assume—and I am informed that that is true—that after consulting the engineers, after receiving their reports, the Budget Bureau undertook to determine what amount could be properly expended, and then finally recommended the sum of \$27,000,000.

Mr. POINDEXTER. Mr. President, may I ask the Senator from Idaho a question?

Mr. BORAH. Yes, sir.

Mr. POINDEXTER. I agree with the Senator entirely in his general attitude toward the sweeping and general increase in this proposed appropriation, but in his comments

on the Budget Bureau and on the principles upon which that bureau operates I am very much interested in the Senator's view on the subject. As I understand, the Senator from Idaho takes the position that Congress and the Board of Engineers ought altogether to subordinate their judgment as to the need for appropriations to the findings which may be made by the Budget Bureau after that bureau makes an examination into the merits of each particular project.

Mr. BORAH. No; I do not take that position, Mr. President. I recognize, as I have said time and time again, that the responsibility is entirely here upon Congress; but I do say that where the Budget Bureau has made a recommendation, if there is a project which ought to be included which the bureau did not recommend or if an amount should be included which the bureau failed to include, the reasons and the facts ought to be presented here in the report on this bill to Congress, so that we might know why the exceptions should be made.

Mr. POINDEXTER. I think the Senator's view on that subject is absolutely sound and correct, but my idea about the Budget Bureau is that the point they are to examine into particularly is the resources of the Government. Of course, the Budget Bureau is an undeveloped agency to a large extent, but it would seem to be its purpose and function to make some estimate of what money the Government will have to expend. It occurs to me, however, that as to river and harbor improvements the Budget Bureau would have to take the reports of some other agency which was better informed than the Budget Bureau could possibly be as to what is needed, and then the Budget Bureau would determine how much they could allow out of the total resources of the Government for that general purpose.

The increase which is carried in this bill of some \$29,000,000, or whatever the sum may be, has been inserted in a lump sum, and it comes to us, as the Senator has stated, without any information as to the needs of particular projects. I tried to get here the other day an appropriation of half a million dollars for an archives building for the Government. That was denied because the Budget Bureau has not included it in its estimates.

The Government is deprived of the means of preserving its valuable documents, at a cost of \$500,000, to begin with, for the fiscal year, and yet the same body that denies that on the ground of economy authorizes, without any information as to details, an additional lump-sum appropriation for rivers and harbors of \$29,000,000, and provided an appropriation in the Agricultural appropriation bill of \$500,000 to investigate the food habits of bobcats and other wild animals, although if a man will take a 10-cent piece of raw meat and offer it to a bobcat he can find out what its food habits are.

Mr. BORAH. Mr. President, I do not think I disagree with the Senator from Washington as to his views about the function and the duty of the Budget Bureau, but in the case of the particular bill with which we are now dealing in connection with the item for rivers and harbors we find that the Budget Bureau makes a recommendation of \$27,000,000. The bill finally reaches the Senate with more than double that amount, carrying some \$56,000,000, making an increase of \$29,000,000, and that in a lump sum in an Army appropriation bill.

Mr. President, it may be that we are entirely mistaken as to the work of the Budget system; but, unless it is something more than a scheme to give positions to a few men and place them upon the pay roll and to be utilized during political campaigns, we certainly must pay some respect to the recommendations which it has made, and when we undertake to override its recommendations or to disagree with its recommendations the reasons for doing so ought to be specifically set forth; the justification ought to be made a matter of record, first, in a report, and finally by what may be said here upon the floor.

There is nothing here to advise the Senate as to why the Budget Bureau should be overridden; there is no evidence here to show me why it should be disregarded. I am frank to say that I should not feel compelled to accept the recommendations of the Budget Bureau if the evidence before me seemed not to justify the acceptance of the amount which they recommended.

Mr. SPENCER. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. SPENCER. If the Senator would examine the hearings upon this question in the House, I think he would find all the items, the aggregate of which makes up the amount of the appropriation, definitely set out, with the progress that has been made upon the several projects, and with the amounts that are necessary to maintain and continue them.

Mr. BORAH. I have looked at the hearings of the House committee; I have read the debates in the House, and I have tried to examine the matter as best I may; but it is all gen-

eralization. We might just as well put in a hundred other projects for the same reasons as the reasons which are assigned there. They constitute the same argument exactly which has been advanced with reference to rivers and harbors at all times.

Now we are up against the proposition that, so far as rivers and harbors are concerned, the Budget law is a dead letter. There is not any more respect paid to the recommendation of the bureau than if the recommendation had been made by some unofficial body; no exception is urged based upon any different kind of a showing than would have been made without any recommendation of this particular bureau. We have now in the bill twice the amount, as I have said, which the Budget Bureau recommended, and if there is anything in the House hearings which goes into the details as to why the amount of the appropriation should be so greatly increased, different from the argument which is always made for a river and harbor appropriation, namely, that it is convenient to have it, I have been unable to discover it. I have a number of the documents before me now, some of which I have examined. But what is the Senator from Missouri going to do with the Budget Bureau in an instance of this kind?

Mr. SPENCER. I think anyone who read the hearings would come to the conclusion that the Budget Bureau made their findings, not because of the emergent character of or the necessity for the items, but because of the necessity, in their judgment, for economy. Where I differ from the Budget Bureau is in this respect, that in the amount recommended by them there is no economy; but there is, as perhaps I may be able to show when the Senator has taken his seat, the grossest extravagance. They are dealing with a subject that needs far more than the appropriation recommended by them gives to it.

Mr. BORAH. Mr. President, that argument eliminates the existence of the Budget Bureau. If it is to be said that the Budget Bureau simply takes a one-sided or a narrow view of the proposition, which is an inconsiderate proceeding, if their recommendations are to be set aside upon that ground, the same argument will always be advanced here in favor of an appropriation, and we then come back to the question, What is the virtue of a recommendation of the Budget Bureau?

Mr. SPENCER. I understood the Senator to say but a moment ago that, if the evidence which was submitted to him warranted the conclusion in his mind that the Budget Bureau were wrong in their estimate, he would have no hesitation in acting upon his information and not upon the recommendation of the Budget Bureau. That is precisely the condition here.

Mr. BORAH. I remind the Senator of the fact that there is no such evidence, and of the showing that none can be gathered. The argument which is adduced in favor of these appropriations is precisely the same that has been adduced at all times in support of the appropriations for these particular projects. There is no different strain of argument or any different tone of presentation of the entire question. In other words, the Budget Bureau has set aside and disregarded it entirely, and simply says, "We think this ought to be done, and for the same reasons we have had heretofore." The Senator will have to agree with me, then, I think, that so far as rivers and harbors are concerned, the Budget Bureau is unfit to deal with the subject.

Mr. SPENCER. I would not say that, by any means. I think they are entirely competent to deal with it, and I think their recommendation is entitled, as it was given, to the greatest consideration, but in respect to this item I am convinced, as I shall endeavor to show in a few moments, that the Budget Bureau did not begin to appreciate its importance.

Mr. BORAH. How does the Senator account for that?

Mr. SPENCER. I can not tell, except that it is human to err.

Mr. BORAH. It is human to err on the side of appropriations in the Congress of the United States; that is a certainty.

Mr. President, our appropriations this year, I am informed, will run somewhat over \$3,000,000,000. Does not the Senator think that the question of economy and the question of the condition of the Treasury ought to be considered under all circumstances? I have no doubt that the Budget Bureau did take those matters into consideration. We have to consider the amount of money in the Treasury, and we should not undertake to appropriate more than is in the Treasury. Indeed, we ought to fall below that if possible; but they have to consider that matter, and they undoubtedly did consider it, and in the light of what they found they investigated these different projects, and came to the conclusion that we could get along with \$27,000,000.

Mr. SPENCER. I shall be very fortunate, when the Senator gets through, if I can convince him that the appropriation of \$27,000,000 would be ridiculous and that \$56,000,000 is not adequate. I do not express the confident hope that that will be the result.

Mr. BORAH. I have no doubt that if the Senator from Missouri gets into operation properly he will convince me that the United States Treasury ought to be located at St. Louis.

Mr. SPENCER. That would be a very good location.

Mr. BORAH. We will have to change our argument to the voter about the Budget Bureau. We can at least afford to be candid and admit that the Budget is only desired for dress occasions. If we increase the appropriation from \$27,000,000 to \$56,000,000 against the recommendation of the Budget Bureau it will be very difficult ever to maintain an interest upon the part of the people in the Budget Bureau hereafter. Indeed, we have paid very little attention to it, apparently, many times, but this is the most pronounced assault which has been made upon it. I shall now listen to the Senator to see if I have overlooked some of the evidence in this matter as to why there should be an exception.

JOINT MEETING OF THE TWO HOUSES.

A message from the House of Representatives, by Mr. Overhues, its enrolling clerk, announced that the House had agreed to a concurrent resolution (H. Con. Res. 82) providing for a joint session of the two Houses at 1 o'clock p. m. to-day for the purpose of receiving a message from the President of the United States, in which the concurrence of the Senate was requested.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The Chair lays before the Senate the concurrent resolution of the House of Representatives, which will be read.

The Assistant Secretary read the concurrent resolution (H. Con. Res. 82), as follows:

Resolved by the House of Representatives (the Senate concurring). That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, the 7th day of February, 1923, at 1 o'clock in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Mr. LODGE. I move that the Senate concur in the House resolution just received.

The concurrent resolution was considered by unanimous consent and agreed to.

Mr. LODGE. I ask that an order be entered that at 10 minutes before 1 o'clock the Senate shall stand in recess until it has had an opportunity to be present in the House to hear the message of the President and then return to its Chamber.

The PRESIDING OFFICER. Without objection, the order will be entered.

WAR DEPARTMENT APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13793) making appropriations for military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes.

Mr. SPENCER. Mr. President, I do not underestimate the importance of the Budget system or of the recommendations of the Budget Bureau, but I call the attention of the Senator from Idaho to the fact that in the matter of the rivers and harbors of this country the House differed in principle from the Budget estimate as to what was necessary and, in my judgment, the House was right.

We are playing with our inland waterways. The Budget Bureau is of the opinion that we can carry them along for another year with \$27,000,000. What are the facts? In the interior of this country we have a great waterway system which enables us to send the products of the farm and the factory to the seaport practically by gravitation along highways which God has made, and what are we doing? We are, and we have been for years, hauling those products from the Central West over the Appalachian Mountain Range, or the Allegheny Mountain Range, and down again upon the other side, by railroads, at a cost infinitely greater than the waterway transportation would have cost, because of our failure to produce navigation on our inland waterways. This appropriation has to do with navigation.

I call the attention of the Senator from Idaho to the fact that in 100 years only one main project in our whole inland waterways system has been completed.

Mr. BORAH. How much have we expended in that 100 years?

Mr. SPENCER. We have expended millions of dollars, and millions of that has been wasted because of the inadequacy of the appropriations, as I shall show in a moment. I will take that up right now, if the Senator desires.

Let us take the appropriation for the development of the Mississippi River from Cairo to the mouth of the Missouri. In 1910 Congress said, "We will improve that stretch of river for navigation with an 8-foot channel from Cairo to St. Louis, and with a 6-foot channel from St. Louis to the mouth of the Missouri, and we will undertake a policy which shall provide \$21,000,000 in that 12 years, divided into annual appropriations."

If that had been done, the Mississippi would be a navigable stream nine months of the year from Cairo, where the Ohio comes in, northward to where the Missouri River empties in. But the total appropriation for that 12-year period, which ended a little more than a year ago, has not equaled \$2,000,000, with the result that we have made appropriations annually inadequate in amount, not sufficient to complete any definite part of the work, and such work is done as is permitted by that limited appropriation, and then the floods come, and winter comes, and what has been done is washed away and destroyed and has to be done over. That is how millions of dollars have been expended, and that is what will be the result if this plan is carried out again this year.

Mr. BORAH. Then, do I understand, as I said a few moments ago, that so far as the rivers and harbors are concerned, the Budget Bureau is utterly incompetent to deal with the subject?

Mr. SPENCER. I do not say it is incompetent. The Senator uses a word stronger than that to which I am willing to subscribe. I say the Budget Bureau fails to estimate the tremendous strategic importance in this country of our inland waterways.

Mr. BORAH. If it fails to estimate it, if it exists, as the Senator has said, it ought to be easily understood that thereby they show their utter unfitness to deal with it.

Mr. SPENCER. I use the language that they are mistaken at this time. The Senator can use whatever language he pleases.

Mr. BORAH. The Senator knows they are much more than mistaken.

Mr. SPENCER. Let me call the Senator's attention to the fact that in a hundred years there has been but one main project completed in our inland waterways. The project to which I refer is the one for the improvement of the Mississippi from New Orleans to Cairo, where the Ohio empties into the Mississippi. There have been little stretches, subsidiary streams, where projects have been completed; and if this appropriation goes through, my information is the main project on the Ohio, from up around Pittsburgh down to where it empties into the Mississippi, will be completed this year.

Mr. BORAH. That will be done, as I understand, if the appropriation stands at \$27,000,000.

Mr. SPENCER. I doubt it.

Mr. BORAH. I can not say; but from my information, which comes from a very reliable source, that would be the fact if the appropriation is but \$27,000,000, and that the Budget Bureau had in contemplation.

Mr. SPENCER. Let me call the Senator's attention to what results when we do complete a project. The Senator is doubtless familiar with the little project on the Monongahela, which is a subsidiary coming into the Ohio. The Monongahela and the Allegheny join and make the Ohio. Twelve million dollars were spent in making that river navigable for purposes of coal transportation, with the result that in one year after the navigability of that stream was established \$24,000,000 was saved in freight rates through shipment by the water route over what the cost would have been by rail transportation.

Mr. McCORMICK. Let me ask the Senator a question. Does he mean that freight was carried or that railroad rates were reduced by reason of the opening of the channel?

Mr. SPENCER. I mean to say that the freight rate on the Monongahela branch was 15 cents a ton by the river and \$1.25 a ton by railroad, and that the difference between those two amounts in a single year saved to the shippers and to the American people \$24,000,000, twice as much as the entire cost of the project.

Mr. McCORMICK. Let me put my question to the Senator again. Does he mean that freight was moved by water or by rail after the completion of the channel?

Mr. SPENCER. It was moved by water. Otherwise the saving could not have been made.

Mr. McCORMICK. Savings are alleged to have occurred, as the Senator will bear in mind, in the case, let us say, of the Hennepin Canal, by reason of the reduction of the freight rates, although practically no freight was moved by the canal.

Mr. SPENCER. In the case of the Monongahela there was an actual carriage of freight. The point I make in regard to that, and leave with the Senate, is this: That whenever we

come to the point where we are willing to deal with the inland waterways of our country upon a business basis, and instead of appropriating \$56,000,000, which this bill carries, provide a hundred million dollars a year for a certain number of years, we will develop the greatest potential asset for the Mississippi Valley that could be.

What is the Mississippi Valley? Broadly speaking, the Mississippi Valley is that part of our country which extends from the Allegheny Mountains on the east to the Rocky Mountains on the west, from the Gulf of Mexico on the south to the Great Lakes on the north. The Senator knows, I am sure, because of his great study in connection with things of that kind, what that means to this country. Seventy per cent of all the agricultural products of the country come from that section of the country. Fifty-five per cent of the entire population of the United States is domiciled there. Sixty-six per cent of the rural population is domiciled there. The Mississippi Valley comprises 64 per cent of the total area of the United States. It is the great grain-producing section of the Union. Every ton of freight that is carried upon the water saves 20 per cent in transportation cost, as against the cost of carriage by rail.

Mr. BORAH. Where will we come out in that when we reflect that we are guaranteeing the railroads an income?

Mr. SPENCER. That is another question.

Mr. BORAH. It is another question.

Mr. SPENCER. It is another question, and the Senator will agree with me that it does not come in right here.

Mr. BORAH. No; I think not.

Mr. STANLEY. Mr. President—

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Missouri yield to the Senator from Kentucky?

Mr. SPENCER. I yield.

Mr. STANLEY. Do I understand the Senator from Idaho to maintain that the transportation act guarantees a fixed income to the railroads?

Mr. BORAH. I understand it guarantees a certain percentage of income; yes.

Mr. STANLEY. I am afraid that to a greater or less extent that was the hope, and may have been the intention, of some of the people who wanted the legislation, but I do not believe a careful reading of the provision of the act will warrant so broad an assumption.

Mr. BORAH. Perhaps it is a little broad, but how much have we already paid them?

Mr. STANLEY. But in revolving funds and things of that kind we have paid several hundred million dollars. There was \$300,000,000 in one revolving fund. We have paid them billions of money in one way and another. I do not wish to be understood as advocating that program. I am of the opinion that the transportation act of 1920 should be revised and amended materially. I am of the opinion that it does not go as far as a flat guaranty outside of brief periods. Just following Government control, for a brief time certain roads were taken care of, but under the broad provisions of the transportation act, while they are allowed to charge so much, there is no guaranty that makes that return assured. Many roads of the United States have the right under the transportation act of 1920 to earn up to a certain amount, say, 5 per cent, before their earnings are pooled in various ways, but if the road does not earn, the Government assumes no obligation to pay it or to enable them to collect it in some other way.

Mr. SPENCER. Mr. President, there can be no difference between myself and the distinguished Senator from Idaho [Mr. BORAH] or the Senator from North Dakota [Mr. McCUMBER], who spoke yesterday upon the matter about what it means to this country to take care of its transportation, particularly of that part of our products which are exported. Sixty-nine per cent of all the exportable products of the United States, agricultural and industrial, come from the Mississippi Valley. Eighty per cent of those exportable products, or more than that, could be carried to the seacoast by water if we simply made navigable the streams which are already there.

I refer again for a moment to the Mississippi River from Cairo to the mouth of the Missouri, an essential link in the inland waterway system of the country. In 1910 Congress said, "We will appropriate in a 12-year period \$21,000,000 in annual amounts to make that section of our inland waterways navigable." What has been actually done? Those 12 years ended about a year ago, and the aggregate of appropriations, because of the very attitude which the Budget Bureau is taking this year totaled less than \$2,000,000—playing with a subject that has to do most vitally with the progress and prosperity of the industrial and agricultural life of the Nation.

May I call the Senator's attention to one other illustration, and then I shall leave them. Congress announced in clear

terms what it intended to do when it enacted the railroad law, indicating by the action of both Houses of Congress what was the real purpose of Congress with regard to our inland waterways. It is the purpose which I think the Budget has entirely overlooked. Here is the way it read:

It is hereby declared to be the policy of Congress to promote, encourage, and develop water transportation service and facilities in connection with the commerce of the United States and to foster and preserve in full vigor both rail and water transportation.

Now, there is a stream historic in its character which empties into the Mississippi River, which Lewis and Clark explored generations ago—the Missouri. It stretches away up into and through the richest part of the country. What did Congress say about it? In 1912 Congress adopted a policy by which they said with regard to the Missouri River, "We will appropriate \$20,000,000 for making the Missouri navigable from Kansas City down to where it empties into the Mississippi." There was to be expended \$2,000,000 in each year. On the strength of that policy the people of Kansas City subscribed over \$1,000,000 and bought barges and boats to facilitate the carrying of the freight which was to be carried when the river became navigable. Not one single year since 1912 has that \$2,000,000 appropriation been made, and it is not provided even in the \$56,000,000 in the present bill which has been appropriated so far as the House of Representatives is concerned. Three hundred and fifty miles of that river are navigable. Fifty miles of it needs attention with reference to revetment of the banks and dredging of the channels, for that 50 miles locks the entire river from Kansas City to St. Louis.

We have been playing with the subject of our inland waterways. Mr. President, if any other nation in the world had waterways such as we have, would there be the cavil and the hesitation about putting into them all that was necessary, for what?—to make them navigable so that barges could carry the freight that is ready to be carried at the cheaper freight rates.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. SPENCER. Certainly.

Mr. ASHURST. The Federal Government spent nearly half a billion dollars constructing the Panama Canal, but no sooner was the canal built than obstructions to our water-borne commerce were placed there and American ships must pay a toll of \$1.20 per ton for transit. The Senator from Idaho [Mr. BORAH] during the present Congress introduced a bill to repeal that provision of the law charging American ships for transit through the canal, and it passed the Senate. Did the Senator from Missouri vote for that bill?

Mr. SPENCER. I can not tell the Senator whether I was here when that vote was taken.

Mr. ASHURST. A Senator who could make such an eloquent speech in behalf of free and uninterrupted commerce as the Senator is now making it occurs to me would have voted for free and uninterrupted commerce for American vessels through the Panama Canal.

Mr. SPENCER. Mr. President, may I say that there can be no difference on this floor about the inadequacy of the railroads to carry the freight of the country. In my State and in the adjoining States in the last few years, before the war mainly, there was grain on the farms rotting by the hundreds of thousands of bushels because it could not be transported to the market. During the past summer, with some of my associates here, I saw the waterways of France and of Germany, many of them insignificant compared with the great avenues of transportation which day and night are flowing through the very center of our Nation. But every foot of those foreign waterways was navigable, every mile was carrying the freight of those countries at the cheap transportation rates by water, while the United States, with a potential power unequalled in the world in inland navigation, is playing with the subject.

The Senator from Idaho said something about the enormous amount of the appropriation, \$56,000,000. I call the Senator's attention to the fact that it is but little more in available funds than we have had for the last two or three years, and that sum has been absolutely inadequate. For the fiscal year 1920 we appropriated \$12,000,000, but we had \$58,800,000 available in the Treasury to be added to the \$12,000,000, so that in 1920 there was available \$70,800,000. In 1921 we appropriated \$15,000,000, but there was available in the Treasury \$37,500,000 which, added to the \$15,000,000, made an available fund in 1921 of \$52,500,000. That Treasury available fund is now gone. There is approximately a little over a million dollars left in the Treasury as available to meet contingencies or emergencies, so that the \$56,000,000 in 1923 would not give us as much money as was available there in 1920.

The Senator from Idaho also spoke about a lump sum as against a definite appropriation for a vast number of projects,

There is merit in what the Senator said, as there is always merit in whatever he says, but I venture to say that as a Nation we get a better result by letting trained experts deal with the division of a lump sum than to attempt to do it by bringing upon the floor of the Senate a selection from a vast number of projects where trades and personal inclinations and personal associations and geographical situations are very apt to cloud, if they do not destroy, the judgment of the individual Senator when he comes to vote upon it. We can not in the necessity of the case know as much about individual projects as do those who are devoting their life work to them.

Mr. President, \$56,000,000 for a certain number of projects is proposed. Not a single project was recommended in 1919 or in 1920. When projects come up for consideration—and every one of them has to do with the making of some stream navigable which would enable the products of the farm and factory to be carried cheaper than by rail—the department divides them into two classes: First, those which are important and strategic, and, second, those which are desirable. Of more than 200 projects which the experts have determined were strategic and important, 35 have been incorporated in the \$56,000,000.

There were added in 1922 not much more than 12 per cent of those projects which are necessary for the transportation of American agricultural and industrial projects; all the others were laid aside. I said we were playing with our inland waterways, and we are. If we in this country ever come to the point where we develop our waterways economically and systematically and regularly, according to a plan that shall be determined upon and not varied from, our transportation resources will be quadrupled, and at a cost for every pound of freight that is carried of from 20 per cent upward less than rail transportation.

I said or intimated a moment ago what is true, that the railroads, let alone the excessive cost of railroad transportation, are unable to carry the freight of this country from the place where it originates to the place where it is ready for the market or for exportation. Every principle of economy, of efficiency, I was about to add of patriotism, in the development of the prosperity and progress of our Nation stands back of an adequate appropriation for the inland waterways of these United States.

Mr. BORAH. Mr. President, as I understand the situation, the Budget Bureau took into consideration all the matters which the Senator from Missouri is so well presenting to the Senate, but that it eliminated, in its conception of what ought to be done, a vast number of projects which it was believed would never benefit commerce in any way. Has the Senator from Missouri looked over the list of projects which has been printed in the CONGRESSIONAL RECORD?

Mr. SPENCER. I have, and I do not think the Senator from Idaho is quite accurate in saying that a single project was eliminated because it would not benefit the transportation problem of this country. As I am informed, that those projects would confer a benefit was conceded, but the reduction and the elimination were based upon an entirely different reason.

Mr. BORAH. What was that?

Mr. SPENCER. It was that, no matter how necessary or desirable such projects might be, it is better to wait; and there is merit in that argument. The only difference I have with the Budget Bureau is that the Budget Bureau thinks that the advantage of waiting is greater than the advantage of now completing necessary projects, while I think the economy would be greater in completing necessary projects than in waiting. If this appropriation of \$56,000,000 shall wait, the appropriation proposed to be substituted would not complete any project unless it be the Ohio River from Pittsburgh to the Mississippi.

Mr. BORAH. The Senator from Missouri says that he has looked over this list, which is headed—

Amounts stated in the annual report of the Chief of Engineers as those that can be profitably expended during the fiscal year ending June 30, 1924, for maintenance and improvement of river and harbor works.

That was put into the RECORD of January 25, 1923. Do I understand that the Senator from Missouri is prepared to say that all the projects named in that list are such projects as would be beneficial to commerce if they were completed?

Mr. SPENCER. Without exception, every one of them would be beneficial to commerce if completed.

Mr. BORAH. Then, I wish now to insert in the RECORD, as part of my remarks, this list of projects, which is a reprint from the RECORD of January 25, 1923.

The PRESIDING OFFICER. Without objection, permission to do so is granted.

The list is as follows:

Amounts stated in the annual report of the Chief of Engineers as those that can be profitably expended during the fiscal year ending June 30, 1924, for maintenance and improvement of river and harbor works.

Localities.	Improvement.	Maintenance.
Boston Harbor.....		\$40,000
Beverly Harbor, Mass.....	\$159,500	
Plymouth Harbor, Mass. ¹	51,000	
Pollock Rip Shoals.....		50,000
Providence River and Harbor.....	325,000	
Block Island harbor of refuge.....	5,000	5,000
Pawcatuck River.....	3,000	30,000
Connecticut River below Hartford.....	50,000	20,000
Duck Island harbor of refuge.....		44,000
Bridgeport Harbor.....	71,000	26,000
Norwalk Harbor.....		20,000
Stamford Harbor.....	30,000	
Greenwich Harbor.....	6,600	2,100
Port Chester Harbor.....	22,000	3,000
Mamaroneck Harbor, N. Y. ¹	103,000	
East Chester Creek.....	5,000	15,000
Westchester Creek ¹	475,000	
Bronx River.....	255,000	25,000
Harbor at New Rochelle, N. Y. ¹	35,000	
Flushing Bay.....		10,000
Mattituck Harbor.....		5,000
Jamaica Bay, N. Y.....	600,000	
New York Harbor.....	218,000	100,000
Coney Island Channel.....		20,000
Bay Ridge and Red Hook Channels.....	50,000	
Buttermilk Channel.....	175,000	25,000
East River.....	3,000,000	25,000
Newtown Creek.....	100,000	
Harlem River.....	250,000	
Hudson River Channel.....	50,000	50,000
Tarrytown Harbor.....	7,000	8,000
Peekskill Harbor.....		5,000
Wappinger Creek.....		5,000
Rondout Harbor.....		5,000
Hudson River.....		220,000
Plattsburg Harbor.....		1,000
Newark Bay ¹	650,000	
Passaic River ¹		30,000
Hackensack River, N. J. ¹	100,000	
Staten Island Sound, N. Y. and N. J. ¹	1,000,000	
Raritan Bay, N. Y. and N. J. ¹	500,000	
Woodbridge Creek.....		6,000
Raritan River.....		20,000
Keyport Harbor.....		10,000
Shoal Harbor and Compton Creek.....		10,000
Shrewsbury River.....		10,000
Delaware River, Philadelphia to Trenton.....		25,000
Delaware River, Philadelphia to the sea.....	925,000	2,075,000
Harbor of refuge, Delaware Bay.....		35,000
Mantua Creek.....	10,000	
Oldmans Creek.....		10,000
Maurice River.....		15,000
Cold Spring Inlet.....		25,000
Absecon Inlet ¹	240,000	
Chester River.....	3,600	1,400
Wilmington Harbor ¹	630,000	100,000
Chesapeake and Delaware Canal.....	2,500,000	
Smyrna River.....	16,000	5,000
Leipsic River.....		10,000
Little River.....		5,000
St. Jones River.....	45,000	5,000
Murderkill River.....		10,000
Mispillion River.....	10,000	5,000
Broadkill River.....		25,000
Waterway, Chincoteague Bay-Delaware Bay.....		1,500
Baltimore Harbor and channels.....	300,000	350,000
Potomac River at Washington, D. C.....		74,000
Ocoquan Creek.....		6,700
Rappahannock River.....		42,700
Mattaponi River.....		8,000
Lockles Creek, Va. ¹	4,100	
Norfolk Harbor.....	500,000	50,000
Thimble Shoals Channel.....	74,560	
James River.....		40,000
Pagan River.....		2,000
Waterway, Norfolk-Beaufort Inlet.....	500,000	
Blackwater River.....		2,000
Meherrin River.....		2,000
Pamlico and Tar Rivers.....		12,000
Neuse River.....		12,000
Swift Creek.....		800
Contentnea Creek.....		1,500
Trent River.....		1,500
Channel, Thoroughfare Bay-Cedar Bay.....		5,000
Harbor at Beaufort.....		7,500
Waterway, Core Sound-Beaufort Harbor ¹	30,000	
Waterway, Beaufort to Jacksonville, N. C.....		10,000
Harbor of refuge, Cape Lookout.....		20,000
Cape Fear River at and below Wilmington ¹	300,000	200,000
Cape Fear River above Wilmington.....		12,000
Northeast (Cape Fear) River.....		4,000
Black River.....		2,000
Winyah Bay.....		40,000
Santee River and Estherville-Minim Creek Canal.....		4,000
Congaree River.....		10,000
Waterway between Charleston and Winyah Bay.....		18,000
Wappoo Cut.....		2,500
Savannah Harbor.....	600,000	460,000
Savannah River below Augusta.....		22,000
Savannah River at Augusta.....		2,000
Savannah River above Augusta.....		1,000
Waterway, Beaufort, S. C.-St. John's River.....		42,000
Satilla River.....		1,800

¹New projects.

Amounts stated in the annual report of the Chief of Engineers as those that can be profitably expended during the fiscal year ending June 30, 1924, etc.—Continued.

Localities.	Improvement.	Maintenance.
St. Marys River.....		\$1,800
Altamaha River.....		15,000
Oconee River.....		12,500
Ocmulgee River.....		12,500
Brunswick Harbor.....	\$160,000	70,000
Fernandina Harbor-Cumberland Sound.....		3,000
St. Johns River, Jacksonville to the ocean.....	223,000	380,000
St. Johns River, Palatka to Lake Harney.....		10,000
Oklawaha River.....		3,000
Indian River.....		5,000
Miami Harbor (Biscayne Bay).....		32,500
Key West Harbor.....	40,000	30,000
Kissimmee River.....		5,000
Caloosahatchee River.....		35,000
Charlotte Harbor.....		5,000
Sarasota Bay.....		15,000
Anclote River.....		14,000
Tampa Harbor.....	445,000	50,000
St. Petersburg Harbor.....	17,000	
Water hyacinth in Florida waters.....		10,000
Apalachicola Bay.....		12,000
Apalachicola River.....	15,000	10,000
Flint River.....	45,000	10,000
Chattahoochee River.....	35,000	90,000
Channel, Apalachicola River-St. Andrews Bay.....		21,500
St. Andrews Bay.....		2,000
Choctawhatchee River.....		7,000
Holmes River.....		1,680
La Grange Bayou, Fla. ¹	28,500	
Blackwater River.....		25,600
Escambia and Conecuh Rivers.....		3,200
Pensacola Harbor.....		20,000
Alabama River.....	75,000	47,000
Coosa River.....		5,000
Mobile Harbor.....	132,000	244,400
Black Warrior, Warrior, and Tombigbee Rivers.....	64,000	
Tombigbee River, mouth to Demopolis.....		18,000
Tombigbee River, Demopolis to Walkers Bridge.....		4,000
Pascagoula Harbor.....		76,000
Gulfport Harbor and Ship Island Pass.....		116,000
Pascagoula River.....		10,000
Water hyacinth in Alabama waters.....		2,500
Southwest Pass, Mississippi River.....	992,000	
South Pass, Mississippi River.....		510,000
Bayou Plaquemine, Grand River, and Pigeon Bayous.....		20,000
Bayou Grossetete.....		5,000
Bayou Teche.....	125,000	
Waterway, Mississippi River to Bayou Teche.....	675,000	
Waterway, Calcasieu River to Sabine River.....	500,000	
Bayou Vermilion.....		10,000
Calcasieu River and Pass, La. ¹	25,800	
Water hyacinth in Louisiana and Texas waters.....		30,000
Galveston Harbor.....		90,000
Galveston Channel ¹	670,000	200,000
Galveston Harbor-Texas City Channel.....		150,000
Port Bolivar Channel.....		20,000
Houston Ship Channel.....	800,000	300,000
Double Bay Bayou.....		7,000
Anahuac Channel.....		5,000
Mouth of Trinity River.....		1,000
Turtle Bayou.....		10,000
Cedar Bayou.....		5,000
Clear Creek.....		4,000
Dickinson Bayou.....		5,000
West Galveston Bay-Brazos River Canal.....		5,000
Channel between Brazos River and Matagorda Bay.....		10,000
Channel from Pass Cavallo to Aransas Pass.....		20,000
Channel from Aransas Pass to Corpus Christi ¹	750,000	10,000
Freeport Harbor.....		100,000
Harbor at Port Aransas.....		180,000
Harbor at Sabine Pass and Port Arthur Canal ¹	400,000	400,000
Sabine-Neches Canal.....		150,000
Johnsons Bayou.....		3,000
Red River below Fulton.....		100,000
Ouachita and Black Rivers.....	400,000	25,000
Tensas River and Bayou Macon ¹	4,200	5,000
Boeuf River.....		5,000
Bayou Bartholomew.....		2,500
Saline River.....		2,000
Bayous D'Arbonne and Corney.....		2,000
Yazoo River.....		16,000
Tallahatchie and Coldwater Rivers.....		10,000
Big Sunflower River.....		12,000
Steele and Washington Bayous and Lake Washington.....		2,500
Arkansas River.....		35,000
White River.....		22,500
Black River.....		15,000
Current River.....		4,500
St. Francis and L'Anguille Rivers and Blackfish Bayou.....		9,000
Mississippi River, Ohio to Missouri Rivers.....	500,000	500,000
Mississippi River, removing snags and wrecks below the mouth of the Missouri River.....		25,000
Mississippi River, Missouri River to Minneapolis.....	1,100,000	
Mississippi and Leech Rivers.....	25,000	
Red Lake and Red Lake River, Minn. ¹	3,000	
Missouri River, Kansas City to the mouth.....	1,000,000	500,000
Missouri River, Kansas City to Sioux City.....		25,000
Missouri River, Sioux City to Fort Benton.....		15,000
Ozage River.....		10,000
Cumberland River below Nashville.....	460,000	
Cumberland River above Nashville.....	535,000	
Tennessee River, below Riverton.....	122,000	8,000
Tennessee River, above Chattanooga.....		20,000
Tennessee River, Chattanooga to Riverton.....	255,000	

¹New projects.

Amounts stated in the annual report of the Chief of Engineers as those that can be profitably expended during the fiscal year ending June 30, 1924, etc.—Continued.

Localities.	Improvement.	Maintenance.
Survey of Tennessee River.....	\$200,000	
Ohio River (lock and dam construction).....	7,000,000	
Ohio River, open channel improvement.....		\$526,000
Monongahela River, Pa. and W. Va. ¹	2,000,000	
Allegheny River.....		5,000
Grand Marais Harbor, Minn.....		6,000
Agate Bay Harbor.....		2,000
Duluth-Superior Harbor.....		50,500
Port Wing Harbor.....		1,000
Ashland Harbor.....		6,000
Ontonagon Harbor.....		9,000
Keweenaw Waterway.....	7,000	70,500
Marquette Bay harbor of refuge.....		1,000
Marquette Harbor.....		1,500
Grand Marais Harbor, Mich.....		15,000
Warroad Harbor and River.....		4,000
Zippel Bay, Lake of the Woods.....		2,000
Baudette Harbor and River.....		800
Manistique Harbor.....		8,000
Menominee Harbor and River.....		10,000
Green Bay Harbor ¹	110,000	10,000
Fox River.....		160,000
Sturgeon Bay and Lake Michigan Ship Canal.....		33,000
Keweenaw Harbor.....		11,500
Two Rivers Harbor.....		8,000
Manitowoc Harbor.....		120,000
Sheboygan Harbor.....		7,000
Milwaukee Harbor ¹	500,000	118,000
Racine Harbor.....		9,500
Kenosha Harbor.....		5,000
St. Joseph Harbor.....		50,000
South Haven Harbor.....		13,500
Grand Haven Harbor.....		36,000
Muskegon Harbor.....		18,500
Ludington Harbor.....		150,000
Manistee Harbor.....	15,000	19,500
Frankfort Harbor.....		20,000
Charlevoix Harbor.....		5,000
Chicago Harbor.....		21,000
Chicago River.....		6,500
Calumet Harbor and River.....	288,000	160,000
Indiana Harbor.....		35,000
Michigan City Harbor.....	65,000	34,500
Illinois River.....		130,000
St. Marys River.....		25,000
Channels in Lake St. Clair.....		15,000
Detroit River.....	450,000	10,000
Alpena Harbor.....		5,000
Harbor of refuge at Harbor Beach, Lake Huron.....		40,000
Black River, Mich.....		2,500
Rouge River.....		8,000
Toledo Harbor.....		50,000
Sandusky Harbor.....	58,000	10,000
Huron Harbor.....		5,500
Lorain Harbor.....		5,000
Cleveland Harbor.....		25,000
Fairport Harbor.....		5,000
Ashtabula Harbor.....		5,000
Conneaut Harbor.....	25,000	8,000
Erie Harbor.....		10,000
Buffalo Harbor.....	50,000	21,500
Black Rock Channel and Tonawanda Harbor ¹	200,000	25,000
Charlotte Harbor.....		15,000
Great Sodus Bay.....		25,500
Little Sodus Bay.....		28,500
Oswego Harbor.....	25,000	20,500
Cape Vincent Harbor.....		500
Ogdensburg Harbor.....		2,000
San Diego Harbor, Calif. ¹	135,850	
Los Angeles Harbor ¹	760,000	
San Francisco Harbor ¹	330,000	10,000
Oakland Harbor ¹	200,000	35,000
Richmond Harbor.....	128,000	
San Pablo Bay and Mare Island Strait.....	130,000	
Suisun Bay Channel.....		13,000
Petaluma Creek.....		40,000
San Rafael Creek.....		1,000
Humboldt Harbor and Bay.....	719,350	108,100
Noyo River, Calif. ¹	16,000	
San Joaquin River.....		26,000
Stockton and Mormon Channels (diverting canal).....		5,000
Mokelumne River.....		800
Sacramento River.....		95,000
Coos Bay ¹	1,051,000	159,000
Coos River.....		3,000
Umpqua River, Oreg. ¹	278,500	
Yaquina Bay and Harbor.....	139,000	
Columbia River and tributaries above Celilo Falls to mouth of Snake River.....		13,500
Snake River.....		13,000
Columbia and Lower Willamette Rivers ¹	1,000,000	700,000
Clatskanie River.....		4,500
Willamette Slough, Oreg. ¹	23,350	
Willamette River above Portland and Yamhill River.....		29,600
Lewis River.....	5,600	6,800
Cowlitz River.....		6,000
Skamokawa Creek.....		2,000
Grays River.....	200,000	2,000
Grays Harbor and Bar.....		60,000
Puget Sound and tributary waters.....		30,000
Waterway, Port Townsend Bay—Oak Bay.....		5,000
Seattle Harbor.....		10,000
Lake Washington Ship Canal ¹	288,000	12,000

¹New projects.

Amounts stated in the annual report of the Chief of Engineers as those that can be profitably expended during the fiscal year ending June 30, 1924, etc.—Continued.

Localities.	Improvement.	Maintenance.
Swinomish Slough.....		\$2,500
Bellingham Harbor.....		5,000
Nome Harbor, Alaska.....		5,000
Wrangell Harbor, Alaska.....	50,000	
Honolulu Harbor, Hawaii.....	150,000	
Hilo Harbor.....	374,000	
Nawiliwili Harbor.....	300,000	
San Juan Harbor, P. R.....	300,000	
Yuba River, restraining barriers.....		15,000
Total.....	43,178,130	13,412,280

¹New projects.

Flood control:		
Mississippi River Commission.....	\$5,990,000	
Sacramento River.....	500,000	
Expenses, California Debris Commission.....	18,000	
Wilson Dam, Tennessee River.....	7,500,000	
Supervisor New York Harbor.....	397,000	
Examinations, surveys, and contingencies of rivers and harbors.....	500,000	
Total.....	14,905,000	
RECAPITULATION.		
For improvement.....	\$43,178,130	
For maintenance.....	13,412,280	
For related subjects.....	14,905,000	
Grand total.....	71,495,410	

Mr. BORAH. Mr. President, if my information is correct, some of these projects are utterly valueless from the commercial standpoint. A number of them have been debated at length upon the floor of the Senate heretofore. Some of the most absurd projects have been presented here as being worthy of appropriations, and they are now back here again. As I understand, it was with a desire to get rid of some of those projects that the Budget Bureau made the report which it did.

Secondly, Mr. President, as I understand also, if the \$27,000,000 shall be allowed, practically the same amount will go to the Mississippi and Ohio Rivers that will be devoted to their improvement under the greater appropriation. How much difference would there be?

Mr. SPENCER. My understanding is that under the Budget estimate the Ohio would get not to exceed \$2,000,000 instead of \$7,000,000 and the Missouri and the Mississippi would get practically nothing. The harbors, which come first, would themselves exhaust the Budget estimate and the rivers get nothing.

Mr. BORAH. Very well. I am of the opinion that the Senator from Missouri, in the presentation of his view of the matter, is not outside of the views of the Budget Bureau itself; that they were not undertaking to limit or to cripple or to discontinue the improvement of the streams concerning which the Senator has been speaking; but the Senator from Missouri must know—at least, I feel that I know—that interwoven in this scheme of river improvement are streams, or what are called streams, and bayous and lakes and other water courses the improvement of which will never be beneficial to the plan which the Senator has in mind, and will never be helpful in the enlargement or building up of commerce. It was to get rid of such projects that the Budget Bureau made the report which it did.

Mr. SPENCER. May I say to the Senator—for I happen to know about this, it being in my own State—that where the Missouri River runs through Saline and Howard Counties it makes a great bend. The river now is within 200 yards of cutting its way through and eliminating that bend, with the result that if those 200 yards are cut through by the river the rapidity of its current will make it absolutely unnavigable except at tremendous cost. I know that the engineer department recognize the emergency in that situation, but they have not the money to protect it. It was 400 yards a year ago when I called attention to it. Now it is 200 yards. The fact that it will destroy the water supply of two counties and will do a good deal of damage otherwise is incidental to the damage which will be inflicted upon the navigability of the entire river.

Mr. BORAH. How much would it cost to remedy that situation?

Mr. SPENCER. I suppose it would cost a couple of hundred thousand dollars—perhaps \$300,000—to protect the river at that point. The engineers say, "Yes; that improvement is necessary, but that is only one point out of hundreds of points where improvements should be made; and that is all the money we have; we can not do it." I say to the Senate that the \$56,000,000 will hardly enable them—in fact, will not enable them—to take care of necessary maintenance and improvement of navigable streams. The amount seems large because the Senator puts it in contrast with the \$27,000,000 recommended

by the Bureau of the Budget, but, as I showed, it is not as large an amount as was available in 1920. It is grossly inadequate, rather than being superabundant.

Mr. BORAH. Well, the interesting part of this controversy to me is that all these facts must have been known to the engineers and to the Budget Bureau.

Mr. SPENCER. Here is what happened so far as the engineers are concerned: First, there came the estimates from the district engineers who were in charge of the different projects throughout the Union, who estimated, I presume with care and conscience, what they thought was necessary for the projects under their charge. Those estimates totaled millions of dollars more than the Engineer Department here could see the possibility of obtaining. So they culled them, eliminated desirable projects, reduced estimates for maintenance, and did everything they could to cut down the amount until they reduced it to \$56,000,000 as a minimum. Then it went to the Budget Bureau. The Budget Bureau is looking not only at inland waterways but is looking at every other department of the Government, and they said, "No; considering the state of the Union and of the Treasury of the United States and the needs of other departments, we are not going to give \$56,000,000; we will give \$27,000,000."

Mr. BORAH. Does the Senator undertake to say that the Budget Bureau, without rhyme or reason, simply said, "We will not give this because we do not desire to give it; there is no reason for refusing it; these projects ought to have the money, but we will simply, arbitrarily and without rhyme or reason, cut this proposed appropriation in two?"

Mr. SPENCER. I do not say that, because I do not know; but I do say to the Senator it looks that way.

Mr. BORAH. Then, if it looks that way, it is a very severe impeachment of the whole scheme of the Budget.

Mr. SPENCER. The Budget Bureau is comparatively new. I do not believe, and I doubt if the Senator believes, that the Budget Bureau have as yet any adequate vision of what the inland waterways mean to the Central West.

Mr. BORAH. If the Senator will talk to some of the members of the bureau, he will find that they think they have.

Mr. SPENCER. That may be so.

Mr. BORAH. And that they have made an honest endeavor to arrive at a conclusion in regard to it. They have certainly undertaken to get a proper conception of the situation; but, according to the Senator, they are entirely incompetent to deal with it.

Mr. SPENCER. I do not say that. The Senator has put words in my mouth several times.

Mr. BORAH. No; the Senator does not say that, but he proves it.

Mr. SPENCER. To the mind of the Senator from Idaho, perhaps, but not to mine.

Mr. BORAH. I would submit it, then, to a Missouri jury.

Mr. SPENCER. I will say to the Senator he would lose.

Mr. BORAH. The Senator from Missouri has had great experience along that line. There is, however, no telling what they would do.

Mr. SPENCER. I do not criticize the Budget Bureau; I merely say that they have no adequate conception of the importance of the subject of rivers and harbors. The Senator from Idaho has been on committees and subcommittees again and again in considering appropriation bills, and he knows what deference is paid to every recommendation of the Budget Bureau; but here and there a subject develops about which, perhaps, the Congress knows more than does the Budget Bureau, and in such cases the committee has said: "The Budget Bureau have not appreciated this project; that is an inadequate appropriation; that must be changed." This is an illustration of that. Such instances are not frequent; every deference, as should be the case, is paid to the recommendations of the Budget Bureau, but, as the Senator intimated a few moments ago, when a man's judgment and conscience are clear that the Budget Bureau, not so much from incompetence, as the Senator repeats, but because of a lack of appreciation of the importance of the project, fails to grasp what it means to this country, what is the duty of Congress?

Mr. BORAH. The Senator and I are merely using different terms to express exactly the same thing. I say they are incompetent, the Senator says they are inadequate.

Mr. SPENCER. I did not say they were inadequate.

Mr. BORAH. The Senator said they were unable to appreciate the situation.

Mr. SPENCER. The Senator is right; we agree perfectly.

Mr. BORAH. If that is not incompetence, then I do not understand the English language; but that is immaterial. There is one thing certain, if the Senator from Missouri is correct then so far as the Budget Bureau is concerned with

reference to rivers and harbors we may eliminate it from consideration hereafter.

Mr. President, I do not know whether there is any other Senator who desires to discuss this matter.

Mr. ASHURST. Mr. President, will the Senator yield to me for a moment?

Mr. BORAH. Yes.

Mr. ASHURST. If there be a reform which the present administration has adopted which met with general approval, it was the establishment of the Budget. In this instance, however, we find an appropriation increased in the sum of \$28,964,150 over and above the estimate of the Bureau of the Budget. Some Senators manifest considerable indignation over such an unwarranted increase, but instead of arousing indignation it ought to arouse, instead, their risibilities.

This river and harbor provision of this bill was prepared to pass. This Congress is officially in extremis and it can do no more fitting thing as a capstone to its discreditable record than to reach its hands into the Treasury and squander \$28,964,150 of the money of already heavily burdened taxpayers. One discreditable feature of this item is that this unnecessary expenditure is included in the military appropriation bill.

The President of the United States, I believe, would veto this item if he could separate this excess above the Budget recommendations and approve as to the amount actually needed. The Budget officials know how much money is necessary, and they have estimated for that amount, to wit, \$27,625,170.

The Senator from Idaho [Mr. BORAH] is wasting his time in opposing this measure. This bill is loaded to pass. The "skids are greased" so that this item will easily slide through. Not 20 votes can be mustered against it under any circumstances. I desire to vote for the Army appropriation bill, but I fear that to do so I must vote for an excess expenditure of nearly \$29,000,000. The Budget cracks and collapses when the pork barrel rolls over it.

While I can not speak for the President, I know that he wishes and hopes that Republican Senators will vote against this enormous and unnecessary excess appropriation.

Mr. BORAH. I ask for the yeas and nays on my amendment. The yeas and nays were ordered.

Mr. KING. Mr. President, if time permits I shall call attention to a number of projects for which appropriations are carried in the rivers and harbors items found in the pending bill. I shall do this for the purpose of showing the lack of merit upon the part of many of the rivers and harbors projects and the enormous waste of money which has resulted from the improvident, not to say indefensible, measures passed by previous Congresses dealing with rivers and harbors.

Under the commerce clause of the Constitution, which merely gives to the Federal Government the authority to "regulate commerce," measures have been enacted by Congress which have called for more than \$1,300,000,000 to "improve," as it has been said, and "maintain" hundreds of small streams and rivulets and bayous and creeks and so-called rivers and navigable streams, and indentations along the seacoast, which have been called harbors. It is too late to raise the question of the constitutionality of many of the acts of Congress dealing with so-called rivers and harbors projects. The precedents established by numerous legislative enactments are too numerous to be challenged, and even if they could be successfully challenged the inclination, indeed the determination, to follow such precedents and to continue enormous appropriations—under the guise of "regulating commerce"—for streams which are unnavigable and for so-called "harbors" that have no commerce is so powerful that all efforts in opposition thereto are foredoomed to defeat.

Congress has proceeded in the legislation which I have referred to upon the theory that the Federal Government owned all the streams, great and small, all the creeks and rivulets and swamps and rivers, whether navigable or unnavigable, to be found within the various States of the Union. And the view seems to have obtained that the authority of Congress over the so-called watercourses was paramount and supreme, indeed exclusive, even though such streams and lakes and rivulets and creeks were intrastate in character. The view also seems to have obtained that the power to "regulate commerce" was a mandate to create commerce, and was authority for the Federal Government to provide waterways in order to create competition with rail or other modes of transportation. Mr. President, in my opinion the clause in the Constitution referred to has been perverted and legislation has been enacted ostensibly under that provision of the Constitution which has been an infringement upon the rights of the States and in contravention of the spirit and indeed the letter of the Constitution.

The regulation of commerce does not warrant the spending the millions of dollars by the Federal Government, wrung from the people by taxation, to construct waterways, dig out little rivulets and streams, purely provincial and local in character, or to construct revetments and other improvements upon streams which are primarily important to private riparian owners. Many of the streams which have been drains upon the Treasury of the United States were not navigable and have not been and can not be made navigable in the true and proper sense. They may have served one or a very limited number of individuals occasionally to carry a few logs or small pieces of timber for a few miles, but they were not carriers of commerce, nor do they serve the public.

An examination of the hundreds of projects for which appropriations have been made by the Federal Government will conclusively demonstrate that they can not by the wildest stretch of imagination be regarded as instrumentalities of commerce or within the control of the Federal Government, but I shall, if time permits, discuss this point later in my remarks.

I pause here to allude to the strong and trenchant language of the Senator from Arizona [Mr. ASHURST], who has just characterized this bill. He denominated it as a "pork-barrel" bill and a species of "graft." Undoubtedly his language will be resented by some who look upon river and harbor bills as most important and highly beneficial legislation.

Doubtless the Senator from Arizona perceives the difference between legitimate appropriations for the regulation of commerce and appropriations which are devoted to furnishing employment to a large number of individuals who spend their time in cleaning out little brooks and creeks and rivulets and in wasting money upon streams that carry no commerce. I have been somewhat curious to know where the term "pork barrel" arose. It does not need a lexicographer to tell us its meaning, nor a diagram to point out all of its implications. It suggests legislation which is not for the public welfare and the general good, but rather measures which are selfish and special and local or provincial, though they may affect various parts of the country. The idea suggested by the words "pork-barrel" legislation is that the legislation desired is promoted by combinations of various groups or sections; that it is not general, but selfish and improper and may not be defended upon high moral grounds. I shall not attempt to controvert the statements of the Senator from Arizona or further examine them. I shall only ask Senators and those who are interested in this subject to examine the multitude of projects, referred to in the report of the engineers of the Army, which are to be the beneficiaries, so far as inanimate objects may be benefited, of the stupendous appropriation carried by this bill for so-called rivers and harbors. In my opinion the record will demonstrate that much of this sum so appropriated will be wasted and applied to so-called rivers and harbors projects which can not under any proper interpretation of the Constitution claim Federal aid.

But, of course, no efforts to reduce the appropriation of more than \$56,000,000 carried by this bill will succeed. The recommendations of the Budget Bureau were ruthlessly brushed aside in another important legislative body, and this body will treat such recommendations in the same manner. I do not recall, no matter how earnest and vigorous the attacks upon rivers and harbors bills, that the slightest success attended such attacks. The lines to be broken were too strong and the forces defending too strongly intrenched.

So the motion from the Senator from Idaho to follow the Budget recommendation will obtain but few votes in this body.

As I now remember, there have been one or two successful filibusters against rivers and harbors bills, but the temporary victory only postponed the evil hour and subsequent Congresses promptly made appropriations to meet the demands of the proponents of these measures. I remember that a distinguished Republican Senator from Montana [Mr. Thomas H. Carter] a number of years ago denounced a reported rivers and harbors bill, and after holding the floor for many hours succeeded in defeating it.

But it must be conceded that the rule has been that public buildings measures and rivers and harbors bills have cut their way triumphantly and remorselessly through all opposition.

The Senator from Arizona, using language which so strongly appeals to all classes, declares that the "skids have been greased" for the passage of this bill, and that not 20 votes will be recorded against it. That is quite likely. It apparently is a very popular measure and will speedily receive the approval of the Senate. I submit, however, that it would be wiser if the Members of this body would follow the recommendations of the Budget and reduce this appropriation to the figures submitted by the bureau. A careful examination was

made of the meritorious projects and of their needs. The engineers submitted to the Budget Bureau the data which they possessed, and after calm and dispassionate consideration approximately twenty-eight millions of dollars were reported as the proper appropriation for the next fiscal year.

Mr. President, I am reminded by a Senator who is near me that the President of the United States will present to Congress within a few minutes a message upon an important matter. As the Senate must meet with the House of Representatives and a quorum is to be called before Senators proceed to the House I shall not detain the Senate longer, but if opportunity affords shall obtain the floor before a vote is taken upon the passage of the bill.

JOINT MEETING OF THE TWO HOUSES.

Mr. LODGE. Mr. President, I make the point of no quorum. The PRESIDING OFFICER (Mr. Moses in the chair). The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Frelinghuysen	McKellar	Reed, Pa.
Ball	George	McKinley	Sheppard
Bayard	Gerry	McLean	Shields
Brandeggee	Glass	McNary	Shortridge
Brookhart	Gooding	Moses	Smoot
Broussard	Harrison	Nelson	Spencer
Bursum	Heflin	New	Stanfield
Calder	Hitchcock	Nicholson	Stanley
Cameron	Johnson	Norbeck	Sutherland
Capper	Jones, N. Mex.	Norris	Swanson
Caraway	Kendrick	Oddie	Townsend
Colt	Keyes	Overman	Trammell
Couzens	King	Page	Underwood
Culberson	Ladd	Pepper	Wadsworth
Curtis	Lenroot	Phipps	Warren
Dillingham	Lodge	Pittman	Watson
Ernst	McCormick	Poinexter	Willis
Fernald	McCumber	Pomerene	

Mr. BROOKHART. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on official business.

The PRESIDING OFFICER. Seventy-one Senators having answered to their names, a quorum is present.

The hour having arrived at which, under the order previously made, the Senate is to proceed to the Hall of the House of Representatives to receive a communication from the President of the United States, the Senate will stand in recess and proceed to the Hall of the House of Representatives.

Thereupon the Senate, preceded by its Sergeant at Arms and by the Presiding Officer and the Secretary, proceeded to the Hall of the House of Representatives.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES.

The address of the President of the United States this day delivered before the two Houses of Congress appears in the proceedings of the House of Representatives, beginning at page 3212.

At 1 o'clock and 32 minutes p. m. the Senate returned to its Chamber and the Presiding Officer (Mr. Moses) resumed the chair.

WORLD WAR FOREIGN DEBT SETTLEMENT.

Mr. SMOOT. Mr. President, out of order, I ask unanimous consent to introduce a bill to amend the act creating the World War Foreign Debt Commission. I ask that the bill may be read at length so that it will go into the RECORD.

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent, out of order, to introduce a bill. Is there objection? The Chair hears none. The Senator asks that the bill be read for the information of the Senate, and it will be read.

The bill (S. 4497) to amend the act creating the World War Foreign Debt Commission was read the first time by its title and the second time at length, and referred to the Committee on Finance, as follows:

Be it enacted, etc., That the first proviso of section 2 of the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, is amended to read as follows:

"Provided, That the settlement of indebtedness of the United Kingdom of Great Britain and Ireland to the United States, recommended by the commission and approved by the President, as set forth by him in a message presented to Congress on February 7, 1923, is hereby approved and authorized, and settlements similar in terms with other governments indebted to the United States as set forth in this section are hereby authorized to be made subject to the approval of the President."

WAR DEPARTMENT APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13793) making appropriations for military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes.

Mr. FLETCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	George	Lodge	Sheppard
Ball	Gerry	McCormick	Shields
Bayard	Glass	McKellar	Smoot
Borah	Gooding	McNary	Spencer
Brookhart	Harrell	Moses	Stanfield
Bursum	Harrison	Nelson	Sterling
Calder	Heflin	New	Sutherland
Cameron	Johnson	Norbeck	Swanson
Capper	Jones, N. Mex.	Norris	Townsend
Couzens	Jones, Wash.	Oddie	Trammell
Curtis	Kendrick	Overman	Wadsworth
Dial	Keyes	Pepper	Walsh, Mont.
Ernst	King	Phipps	Warren
Fletcher	Ladd	Pomerene	Watson
Frelinghuysen	Lenroot	Reed, Pa.	Willis

Mr. BROOKHART. I announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on business of the Senate.

The PRESIDING OFFICER. Sixty Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment offered by the Senator from Idaho [Mr. BORAH].

Mr. FLETCHER. Mr. President, I desire to say just a word or two about this matter. I think it is very important. At the same time, I scarcely think it is necessary, perhaps, to extend the debate on it.

Senators have expressed this morning some anxiety about what would be done with this appropriation of \$56,000,000, as if they were not advised as to the merits of the various items which would consume it. I have heretofore mentioned the fact that the report of the Chief of Engineers for the fiscal year 1922 has been before Congress since December, and that report covers all the items which have been heretofore adopted by Congress—and which are under improvement and under maintenance—and it shows the amount of commerce taken care of by each, the amount of commerce moving over the waterways and through the harbors that are mentioned in the two volumes of this report. Then, the hearings before the subcommittee of the Committee on Appropriations of the House give the testimony of General Taylor, who is familiar with all these projects and has been closely connected with the improvement of rivers and harbors for a great many years and know precisely what is needed, what is meritorious and what is not, and states his reasons therefor.

It would take a good deal of time to recite all these details, and I am not going to attempt to do it. I called attention yesterday to the statement of General Taylor before the Committee on Appropriations, which in a condensed way outlined precisely what was contemplated by the Chief of Engineers in connection with the recommendations which the engineers have made looking to the improvement and maintenance of these rivers and harbors.

It appears from that statement that about \$13,000,000 of the appropriation will be required for the maintenance of projects already completed—projects that were adopted many years ago, projects upon which millions of dollars have been spent, and which unless maintained will go to pieces and the money will be very largely wasted. A certain amount is required each year to take care of the projects so that there will not be a waste of the money, and that amount is spent only in cases where the commerce is actually moving over the improved river or harbor. Those items are all shown in the reports of the engineers and in the list which they furnish giving the names and the locations and the various details indicating where this money for maintenance is required and will be spent.

We can not ignore the fact that unless these projects, which are already completed, are maintained, eventually Congress will be asked for appropriations for further improvements, various channels will be filled up, various kinds of depreciation will take place from time to time, and in order to avoid future appropriations to improve projects which have been completed and are serving the commerce of the country to-day, and in order that the money which has already been spent may not go for naught, it is necessary to provide certain funds for maintaining the channels and the improvements which have already been completed.

That takes about \$13,000,000 of this appropriation. Thirteen million dollars will be required to begin the work on the 35 projects which were adopted by the act of 1922. It will be recalled, and General Taylor points out, that for years past, and particularly during the war, we neglected these improvements,

Pressure was brought to bear upon our resources from other directions. We had to prepare for and conduct a great war, and our whole financial strength was required to take care of the operations on our part and to furnish financial help to those associated or allied with us in that critical and distressing situation.

We neglected the improvement of our rivers and harbors in the meantime. For several years we appropriated very little more than was necessary to maintain the projects which had already been adopted. We got into the practice of appropriating lump sums and leaving the matter to the engineers themselves, who were familiar with all these projects, who were acquainted with the necessity and the commercial justification in each instance, and who knew of the difficulties involved, and who could estimate the cost in each instance with intelligence and accuracy. We left it to them to take care of the expenditure of these appropriations to meet the greatest need and to serve the best purpose, and in fullest measure take care of our commercial requirements respecting these facilities for transportation. They are acquainted with the situation all over the country, and in what better hands could we place the expenditure of this amount, which has been passed upon in advance by Congress, because we have not made a lump-sum appropriation just as a guess. Before making any appropriation at all, we had all the facts brought before us; we had the reports of the engineers; we had the testimony in the hearings; and we knew, in a broad way, just where the money we were providing for was to be expended; but we left the detail of the expenditure in the charge of those experts who are capable officials and who know the situation, because it is their duty and their work to know it, and they are best informed and best capable of making the proper and wise allotment of these sums in order to serve the best public purposes.

We declined for years—from 1919 until 1922—to adopt any new projects at all. In the meanwhile we provided for some surveys in our legislation, for investigations and examinations, and those were made. The engineers have made reports from time to time in pursuance of the provisions for surveys made in these appropriation bills requiring them to make examinations of various projects specified and named in those bills, and they have done that work and made reports, and recommended favorably some 200 projects throughout the whole country. I think there was only one instance, in all my experience here, where Congress provided for a project not recommended by the engineers, and that was a case up in Michigan some years ago, where Congress adopted a project which had not been approved by the engineers. I do not believe there is any other instance in the whole history of this work since I have been here, and I do not know but that it would extend clear back to the beginning, where Congress adopted a project not favorably reported by the engineers, and we have been doing this work for something like a hundred years.

In my judgment, Mr. President, no money is expended out of the Treasury of the United States for any purpose that is so thoroughly safeguarded as the money we expend on rivers and harbors. You may call it "pork barrel," you may try to discredit it; you may call it a trading proposition, or what you may, but there is absolutely no instance where money is appropriated by Congress and expended out of the Treasury of the country that is so thoroughly protected and safeguarded as the money which is appropriated for rivers and harbors. Why do I say that? Because, as I have said, the first step is to provide for an examination by the engineers. They will not voluntarily recommend, they will not venture to suggest, even where they have the information, the adoption of any project whatever, and they only act when they are instructed to act by Congress. One house or the other causes an item to be put into a river and harbor bill providing for a survey or examination of a river or a harbor in some locality, and when Congress agrees to that and passes the bill with that item in it, then the Chief of Engineers, of course, has his duty to perform. He sends it down to the district engineer, and the district engineer proceeds to make that survey or examination.

It will be borne in mind that the engineers are officers of the United States Army. They hold life positions, subject to good behavior. They are not subject to any wire pulling or hauling or political influence. They do not hold their positions at the instance of any Member of the Senate or the House, or under any conditions that make them subject to any sort of influence. Their business is to determine the merit of each proposal from the standpoint of the Government. They look over the situation. They see what the commerce is, and what the prospective commerce will be. They see what the commercial justification for the improvement would be. They determine what will be the cost to the Government if they undertake the im-

provement, and they report all that. That district engineer's report comes up to the division engineer in his district. The division engineer examines that report and either agrees with the district engineer or reports against it or modifies it in some form, and it goes from him to the Chief of Engineers. That report then goes from the Chief of Engineers to a Board of Engineers for Rivers and Harbors, composed of seven officers, none below the rank of colonel, as I remember, certainly not below that of captain, experienced engineers and officers who are acquainted with these problems and have had to deal with them for years and years.

That board considers the reports which are sent up, and the various indorsements on them, and after that board examines all the papers, maps, plats, and all the data which have been furnished it, they may say, "We are not impressed that the Government ought to undertake this improvement." They then give notice to all parties interested and give them an opportunity to be heard. If they can be convinced that the Government ought to make the improvement, that their report ought to be favorable, very well and good; but those in favor of it have to make a strong showing before them, and must satisfy them as to the merits of the proposition. They must be shown the commercial justification for the expenditure the reports show the Government must make when they undertake that project.

Finally the board reports to the Chief of Engineers, and I think the Chief of Engineers usually adopts the report of the board, because they have gone into the details. The Chief of Engineers reports to the Secretary of War, and the Secretary of War to the House of Representatives, and then for the first time do we know the result of this undertaking, beginning with an authorization for a survey by Congress. If the report of the engineers is favorable, after consideration and study and investigation by the district engineer, then by the division engineer, then by the Board of Engineers for Rivers and Harbors, then by the Chief of Engineers, passing it on up to the Secretary of War, it is a question for Congress to decide whether in a subsequent act it will adopt the project thus reported on or will not. Congress has never, except in the one instance I mentioned of a case in Michigan, I believe, adopted a project which was reported unfavorably by the Chief of Engineers in pursuance of these various steps I have indicated.

I would like to know where you will find in any department or bureau of this Government such a thorough study and examination and unprejudiced and unbiased report made as a basis of action by Congress. After that report is in, if it is favorable, then it may be that Congress will still not adopt the project, and in a great many instances they have not done so. As I have just stated, out of 200 favorable reports made by the engineers in 1922, proceeding in the various steps I have indicated, Congress selected 35 as the most highly meritorious projects and adopted them—35 out of 200. We have not had a bill since then, and there is no bill now pending providing for any new project. The Rivers and Harbors Committee of the House does not propose to submit a bill at this session to take care of any new projects at all.

This appropriation is intended to carry about \$13,000,000 for maintenance of old projects, completed heretofore, and \$13,000,000 for beginning work on new projects which were adopted by Congress in 1922, after the various stages I have indicated had been gone through, and after a favorable report by the engineers, and after both Houses of Congress, with the advice and counsel of the engineers developing the merit of these various proposals in the various hearings, decided, "These 35 are of prime importance, and we will adopt them and postpone action on the others which have already been favorably reported on by the engineers."

What is the use of adopting these 35 projects if we do not appropriate some money to do the work on them, to go on with them? We may not necessarily complete them now, but we certainly should begin the work now.

That is contemplated in the bill. We simply stultify ourselves if we said in 1922 that we adopt these projects and authorize their improvement and agree that the improvements ought to be made, and then in 1923 refuse to appropriate the money to do the work. That is what the proposition means. If we reduce the appropriation from \$56,000,000 to \$27,000,000, we can not go on with the work in any orderly, economical, and proper way. We may take care of the maintenance provisions, but we can not go on regularly with the improvements. Some of these are very important projects. Let me mention one or two of them.

For instance, here is Plymouth Harbor, Mass. That is a small project, amounting to only \$51,000 to provide for facilities in the harbor which were destroyed by the work done for the

Pilgrims' Centennial. In carrying out the work done there they practically destroyed the harbor, and the \$51,000 is one-half the amount required to restore the facilities. The other half will be put up by the State of Massachusetts. There was a harbor of merit as to commerce destroyed when we undertook to join in the celebration there. The State is to put up half of it, and the Federal Government is to put up the other half, \$51,000.

Mr. NORRIS. How was it destroyed?

Mr. FLETCHER. The details are not given. I am referring to General Taylor's statement appearing at page 163 of the hearings before the Senate committee. I could look into that somewhat further. Perhaps he went into it more in detail before the House committee, but that was the statement made before the Senate committee.

In carrying out the work done there they have practically destroyed the harbor, and the \$51,000 is one-half of the amount required to restore the facilities. That was General Taylor's statement before the Senate committee. Evidently in carrying on the work preparing for the celebration the damage was done.

Mr. NORRIS. The question naturally arises in my mind—and it is very important now—how was it destroyed, because if having naval vessels going in or having a sort of jubilee would destroy it, probably it is not wise to keep it up if it were so easily destroyed. I think it is important to know how it was that the harbor was destroyed.

Mr. FLETCHER. I can not give any more details than are given in the testimony before the committee. I can not state now the details, but will look it up later and see if anything further was given in the testimony before the House committee. It may be that further information with reference to it appears in the report. I just happened to have before me the statement of General Taylor before the Appropriations Committee of the Senate.

Another new project was what is known as the New York and New Jersey channels, which is a project for the deepening of the channels north, west, and south of Staten Island, the channels surrounding Staten Island. The channel now has a project depth of 25 feet and the proposal is to deepen it to 30 feet. Now look at the commerce that is involved there. The commerce in the channel amounts to between 20,000,000 and 30,000,000 tons a year. On that channel are situated a number of oil refineries, copper reduction works, and other large industrial plants.

The chairman of the subcommittee, the Senator from New York [Mr. WADSWORTH], asked General Taylor:

What is the cost of that project?

General TAYLOR. The cost of the project will be in the neighborhood of \$11,000,000. The amount carried in this bill is \$1,500,000. That is for the first year's work.

That project has been adopted. Congress said: "We intend to go on with the improvements." It ought to be improved. The commerce is there to justify it. The engineers now say if they do the work they must have \$1,500,000 this year. How can anyone defend a vote that refuses to appropriate the money for that purpose?

Mr. NORRIS. May I ask the Senator on that point if it necessarily follows, if the amendment is agreed to, that the work can not be done?

Mr. FLETCHER. Absolutely. It would have to be cut down. If it is reduced, the engineers might not allot to that project more than \$500,000. The engineers would have to readjust all of their estimates and perhaps leave out entirely those which are not of commanding importance.

Mr. NORRIS. The engineers' adjustment of the amount necessary to carry on the work of the 35 projects includes \$1,500,000 for this project?

Mr. FLETCHER. Yes.

Mr. NORRIS. I suppose there are a good many others that do not need that much money. This is one of the most important of them all, is it not?

Mr. FLETCHER. I might say to the Senator from Nebraska that in and about the harbor of New York over \$7,000,000 of the \$56,000,000 would be allotted. We can not say that that harbor does not require or need this sort of improvement. We can not say that the commerce there does not justify the expenditure. We must take care of the situation. There will be something over \$7,000,000 spent in the vicinity of New York Harbor, and there will also be \$7,000,000 on the Ohio River.

We adopted years ago the project on the Ohio River to build the dams there. During the war we practically laid aside that work, because, in the first place, it was too expensive and the difficulty of getting material and labor, hampered as we were, was such that we practically held up the work there. That work ought to be completed. We have all agreed on that. Congress has over and over again declared in favor of the

importance of the Ohio River project. The engineers are in a position to spend between \$7,000,000 and \$8,000,000 this year on the Ohio River, and they will soon have the work completed. This bill takes care of that project for the coming year. If we reduce the appropriation any at all, the engineers would have to make a proportionate reduction on the Ohio River, in all probability.

Mr. NEW. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Florida yield to the Senator from Indiana?

Mr. FLETCHER. Certainly.

Mr. NEW. What would require a lessening of the estimate of \$7,000,000 to be expended on the Ohio River, provided the amendment prevails?

Mr. FLETCHER. I will say to the Senator that that is going to depend upon how the engineers will be able to work out the problems. They would then have to readjust all of their estimates and figures. Having so much money, they would have to cut their suit according to their cloth. What reduction would take place on the Ohio can probably be arrived at in a very simple way. Eight million dollars is to \$56,000,000 as so many million dollars would be to \$42,000,000 or \$27,000,000 or whatever the amount might be. It would have to be calculated in that way I presume. The engineers would have to determine that, and certainly they would have to reduce their constructive plans and their work on the Ohio River if we did not give them the full amount of money necessary to carry it on. There are no ifs and ands about it. They can not take things out of the air and off of the trees and bushes and put them together and build dams across rivers. It takes money to do that. If we deny them all the money they need, they can not build the dams.

Mr. NEW. I do not want to trespass on the Senator's time, but I have something to say with reference to that matter. I shall not, however, interrupt him at present.

Mr. FLETCHER. I am perfectly willing to yield to the Senator. I am anxious to give the Senator the best information I can on the subject. I can not specify what particular projects would be entirely neglected or postponed; that is to say, when the engineers are given only \$27,000,000 or \$37,000,000, or when any reduction is made from \$56,000,000, they would have then to determine whether they would do any work at all on certain projects. They might quit certain projects entirely and not spend a cent on them, and put the money on the Ohio River. They might practically concentrate their work in that way on New York Harbor and the Ohio River. The \$14,000,000 allotted to those two projects might be spent there, but they are not likely to do that, I think. I imagine what they would do would be perhaps to postpone any work on some existing projects already adopted and perhaps under way, awaiting further appropriations, and spend the money where they thought there is the greatest necessity for it; or else they may try to apportion it over the entire number of projects as named in the hearings. At any rate, they have to determine what is best to do with the money that they have, and that is sure to be a very difficult problem. We know now what they will do with it if they are given the full amount, because they have said it before the committees and in their report. We know exactly what they would do with the \$56,000,000, but we do not know what they can do if we reduce it to \$27,000,000 or \$37,000,000 or make any other reduction.

With reference to the project in New York I read from the hearings further, as follows:

Senator WADSWORTH. That is the amount that would be allotted to that project?

General TAYLOR. That is the amount which is included in the items which make up \$56,000,000. We have been urged very strongly by the commercial interests around Staten Island that that amount is wholly insufficient. They believe that there should be at least \$3,000,000 allotted to it, and I presume there will be very strong arguments made. I do not know just what the final amount recommended will be, but if the full amount of \$56,000,000 is allowed, it will probably not be less than \$1,500,000, and possibly more, if we can find other places that can be reduced without seriously interfering with the other projects.

If we do not give them \$56,000,000 they probably will use \$500,000 or they might not begin the work at all, but use the money somewhere else.

So it is all the way through the projects. The extension of the sea wall at Galveston Harbor is another very important piece of work that ought to be done.

Mr. NORRIS. I would like to ask the Senator about that work. How far has it progressed? What, if any, would be the danger that would be brought about if the entire amount asked for was not expended next year?

Mr. FLETCHER. If they do not complete it, a storm may come up and completely destroy all they have done. They have only built a part of the wall. It can be readily understood that where a wall that is intended to protect a great harbor is only partially completed and a storm comes like the one that did the damage before, it would sweep around the end of the incomplete wall and destroy the whole work.

Mr. NORRIS. That might happen, anyway, if the wall was completed, because even when it is completed it will have an end and the water could go around it.

Mr. FLETCHER. It might, but it is not at all probable. Here is what General Taylor had to say about the Galveston project:

General TAYLOR. That is one of the new projects adopted by the last legislative bill.

Galveston is subject to periodical tropical storms which cause a piling up of the water in Galveston Bay. In the storm of 1900 it reached 15 feet above the mean Gulf level and flooded the peninsula extending out from the city and flooded the city; but since that time they have built a sea wall to protect the city and filled in.

A project was adopted by Congress for extending the sea wall built by the city for the protection of the city out to the channel.

It was anticipated when that project was adopted that a certain amount of the wall would be built in connection with fortification construction, but since the project was adopted the fortification plans have been changed, so it is no longer necessary to build any fortification there and, consequently, that much of the sea wall has been left unconstructed.

There is now 2,860 feet of the wall still left to be built. The result of it will be that if we should have another storm, instead of having that long peninsula some 3 miles long for the water to flow over, with a flow of moderate velocity, the water will be forced through the channel and over this short section of the spit, which is still left unprotected, with the practically certain result that there will be great scouring action take place, with the chance of scouring a channel south of the jetty and with the possibility of closing the channels, and with the probability that the material will be deposited so as to close the port of Galveston.

That is the danger.

Mr. NORRIS. If the Senator will permit me, I would like to ask another question. I am not interrogating the Senator with anything but the very best of intentions.

Mr. FLETCHER. I appreciate that.

Mr. NORRIS. I know that the Senator is familiar with these various projects and has given them study. I think the Senate ought to know something of the details before it can vote intelligently.

I am only asking these questions for the purpose of enlightenment, I will say to the Senator. How much of the \$56,000,000, if that be allowed, have the engineers allocated to Galveston?

Mr. FLETCHER. I am glad to be able to answer the Senator's question. I have never been to Galveston in my life; I have been to very few of these harbors and can not give testimony based on personal knowledge as to the conditions; I have to be governed very largely and almost entirely by the testimony before the committee where we try to get at the facts, by the reports of the engineers, and by the statements of people who know. So I find, very fortunately, as was pointed out a minute ago, with reference to the sea wall at Galveston, just what General Taylor says on that subject right at hand here. His statement is as follows:

We regard that project as of so much importance that I know we will recommend to the Secretary the allotment of the full amount of \$670,000 necessary to complete the project, whatever the amount of the appropriation may be. There can be no question as to the absolute necessity of that money being provided and that work being done at once.

Mr. NORRIS. Mr. President, will the Senator from Florida now yield further?

Mr. FLETCHER. I yield.

Mr. NORRIS. The Senator will observe from the testimony of General Taylor, which he has just quoted, that if only \$27,000,000 were appropriated that project, if General Taylor's recommendations were to be followed, would be completed. It will take less than \$1,000,000 to complete it, and that project will be completed regardless of the amount appropriated in the bill.

Mr. FLETCHER. I am pointing out, first, the merit of these projects which we adopted in 1922; but I infer that what the Senator from Nebraska has stated is correct; that the Engineer Corps will recommend to the Secretary of War—and I have no doubt the Secretary will do what they recommend—that he allot \$670,000 for the work at Galveston, whatever the appropriation may be; that is, of course, if it exceeds the \$13,000,000 which is to be devoted to maintenance work, as undoubtedly it will, for it is proposed in no event to make the appropriation less than \$27,000,000, and I infer if an appropriation of \$27,000,000 is provided that they will ask for \$670,000 to complete the work at Galveston for the reasons they have given; and I think they ought to do so.

Mr. NORRIS. I agree with the Senator. It seems to me that an improvement like that which has been partially finished ought to be completed.

Mr. FLETCHER. What is the result of that? If they give Galveston \$670,000, the total amount of their recommendation, which it is, then, of course, they can not give the Ohio River or New York Harbor all they require, because they will not have the money with which to do it, for after deducting the \$670,000 to complete the work at Galveston there will not be left sufficient money to go around. Therefore the other projects must go without improvement for the present to that extent, and so on as to other specific projects.

In this same testimony General Taylor refers to the Ohio River. I will not take time to read his statement in reference to that. Then he refers to the lower Missouri and—

Mr. NORRIS. I do not wish to interfere with what the Senator from Florida desires to say, as he has outlined his remarks, but he is passing over some matters which I think would be interesting—

Mr. FLETCHER. Very well, we will recur to the Ohio. For instance, the next item which is mentioned in this testimony is the Ohio River. The Senator from Washington [Mr. Jones] asked this question, which is quite material:

Let me ask you for your judgment as a result of your experience. Do you find that you get more benefit and work for the money appropriated in this way than you did when it was appropriated so much for each specific project?

Now we come to the question of a lump-sum appropriation, which is a very material question. General Taylor says:

General TAYLOR. Very much better results. The money is used to a very much better advantage. For instance, last year we had the best year for work on the Ohio River that we have ever had. Ordinarily we would not think of being able to use more than \$5,000,000.

Senator JONES. As a matter of fact, you have not been able to get more than that amount of money for that project, have you?

General TAYLOR. No, sir; we never have. But last year we allotted in the neighborhood of \$7,500,000 for that work, and we made better progress in the work last year than we have made in many years.

Senator WADSWORTH. How much would be allowed for the Ohio River under this \$56,000,000 appropriation?

General TAYLOR. We plan on \$7,000,000. If we have as good a year for work this year as we had last year we will use \$7,000,000.

Senator WADSWORTH. How far toward completion will that bring you?

General TAYLOR. The different dams are in different stages of completion. The total project provides for 54 dams. Of those 54, 37 are in operation, 9 are under construction, and 8 have not been commenced.

We would plan on commencing probably about three next year. The dams that are not commenced are nearly all in the lower river, and we find it very difficult to get contractors to bid on the work in the lower river because the conditions for work are so very uncertain.

Senator FLETCHER. And you will probably have to do that yourself?

General TAYLOR. We expect to have to do that all by hired labor.

There are two or three questions still unsettled which have to be settled before the work is finally completed, one of which is the possibility of power development at Louisville.

There is one place where there is a possibility of power development of the Ohio River, and that is at Louisville. If certain negotiations are carried through, if certain plans are carried into effect which the people have under consideration for developing water power at Louisville, they will probably be required to build the dam for power purposes and to relieve the Government of that expense. They may build the dam so high that it may not be necessary to build another dam across the river farther up. So we may be entirely relieved of the building of two of the remaining eight dams which are uncommenced on the Ohio River. This appropriation leaves those two out of the calculation for the present. That is the situation on the Ohio. It would seem to be a pity to deny the amount that it is estimated will be necessary to do the work which can be done next year on that great undertaking.

Mr. NORRIS. Mr. President, will the Senator yield to me at that point?

Mr. FLETCHER. I yield to the Senator.

Mr. NORRIS. I do not believe that it would be wise where a dam, for instance, like one of the dams on the Ohio River, is in the course of construction to stop work on it unless for some reason it was intended to abandon it entirely; I agree with the Senator as to that; but what I am trying to find out as the Senator goes along is what will happen if the proposed appropriation of \$56,000,000 should be reduced. It seems that without damage, without injury, we could cut down the allotment for the improvement of the Ohio River, because General Taylor says that next year they expect to make an allotment for three new dams that have not been commenced. It would be better if we could build the dams right away; I concede that; but we have to economize; we can not do all the work at once, and there would be no injury to the existing work if no more than a sufficient amount were allocated to

the Ohio River to keep the work going which has been commenced. It seems to me there might be a reduction in that instance. It would not be a desirable one, I will admit, for it is better always to complete such projects as soon as they can be completed; but we have not the money to do everything at once, and if we wanted to save some money and avoid making such a heavy appropriation, here is one place where I think the Senator himself by his explanation has shown there might be some reduction without any damage or injury.

Mr. FLETCHER. I think if we reduce the appropriation the engineers will be obliged to deny to the Ohio River a part of what they expected to be able to spend on it and could spend on it, namely \$7,000,000. They probably would reduce that to \$5,000,000. Of course, the Senator realizes that while any of the dams remain uncompleted the Ohio River is only as deep as it is below those dams, no matter how deep it is made above them; in other words, the river is only fit for navigation according to its lowest depth at any one point in the river. We have not accomplished much by deepening the channel of the river if we do not continue the improvement on down to its mouth. That is one reason why we ought to go on, it seems to me, and complete all the dams on the Ohio River and thereby finish the project. We adopted the project in 1910; we have spent \$48,080,000 on it; we are getting now pretty close to the end of it; but what we have spent will not count for much unless we complete it, and the sooner we complete it, it seems to me, the better it will be. It appeals to me also that that is the wisest course to pursue.

Mr. NORRIS. Let me ask the Senator about the navigation of the Ohio River. How many months in the year is the stream navigable? It is closed a part of the time during the cold weather, I presume, is it not?

Mr. FLETCHER. I presume likely it is. The purpose is to make, as a minimum, a 9-foot channel throughout the length of the river.

Mr. NORRIS. If the Ohio River had a 9-foot channel, there would be a 9-foot channel to New Orleans from the point on the Ohio where the 9-foot channel commenced, would there not?

Mr. FLETCHER. That is brought out in this very hearing, from which I quote as follows:

Senator WADSWORTH. When the Ohio River project is finished, what will be the average depth of the channel?

General TAYLOR. A minimum depth of 9 feet.

Senator FLETCHER. From Pittsburgh?

General TAYLOR. From Pittsburgh all the way to the mouth.

That is, a minimum of 9 feet. At present I presume they have not over 4 feet in certain portions of the river.

Mr. NORRIS. General Taylor means the mouth of the Ohio River, I presume.

Mr. FLETCHER. Yes; the mouth of the Ohio.

Mr. NORRIS. Now let me ask the Senator a further question there. From the mouth of the Ohio, where it enters into the Mississippi, and from there to the mouth of the Mississippi there is already a 9-foot channel, is there not?

Mr. FLETCHER. Yes; and more.

Mr. NORRIS. So that the completion of the improvement would really mean a 9-foot channel from Pittsburgh to New Orleans?

Mr. FLETCHER. Precisely; the Senator is correct about that.

Mr. President, I do not want to appear as dwelling too much on details, but I feel very strongly that it would be a great mistake to reduce this appropriation. To be sure, the Congress have not felt bound by the recommendations of the Budget Bureau; but that is perfectly legitimate, for it is in the province of Congress to say whether or not they believe that the Bureau of the Budget knows more about rivers and harbors than do the engineers of the War Department. The House evidently believed the engineers knew more about the needs of the country concerning the development and the improvement of rivers and harbors and the expense involved and the justification for that expense than did the Bureau of the Budget. So when the bill was reported the committee exceeded the Budget recommendation by \$10,000,000; when the bill came upon the floor of the House the amount was increased from \$37,000,000 to \$56,000,000; and the bill comes here with that having been done in the other body. All that we are doing now is accepting the action of the House. We are not increasing this appropriation at all. The Appropriations Committee of the Senate reports the bill just as it came from the House respecting this item, and it is a question whether the Senate will pass the bill as it came from the House or modify it, as may be indicated.

Those who are proposing this reduction are against this sort of expenditure. They have been all along; but I take it they

will not undertake to reverse the policy of this Government, which has been in effect for a hundred years, that the obligation and duty of the Government is to take care of these highways of commerce over which the Government has jurisdiction. The States can not do it, individuals can not do it, because these are navigable waters under the control and jurisdiction of the Federal Government. Now it is proposed to reduce this expenditure to an amount which will be ineffective, and will not carry out that policy which has been adopted by Congress, and which can only be put into effect by certain expenditures of public funds. That provision is made here in the House bill. Those who propose to reduce it will cripple the whole work, so that we had almost as well not make any attempt to carry it on.

Mr. KING and Mr. NEW addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Florida yield; and if so, to whom?

Mr. FLETCHER. I yield to the Senator from Utah.

Mr. KING. The Senator has just made a statement with respect to the power of the States in dealing with navigable waters which, with his kind permission, I should be very glad if he would elaborate.

As I understood his position, it was that under our form of government the States had no right to make improvements upon streams if they were navigable, because under the Constitution the Federal Government has charge of or control over—I am not sure as to the word the Senator used—navigable streams. It seems to me that if that is the Senator's position—and I ask for information—he has stated the proposition a little too broadly.

The only power that the Federal Government has over the streams, or the waters of the streams, is to regulate commerce. The Senator knows that under the common law, which was adopted so far as navigable streams and riparian owners were concerned when our Government sprang into existence, the sovereign State not only owned the bed of the stream but it owned the right to control the waters of the stream. The Thirteen Colonies, when they formed the Union, became sovereign over the beds of the streams. They had control over the waters. They owned the waters, so far as ownership may exist in a running stream. They certainly owned the usufruct—subject, of course, to the riparian owners—and they owned the bed of the stream. When the Federal Constitution was adopted, the States merely delegated to the Federal Government the power to regulate commerce. I do not understand that the power to regulate commerce inhibits the States or individuals from the utilization of a stream, navigable or unnavigable, whether it forms the boundary between two States or whether it arises within a State and flows beyond the State. The Federal Government has no right, I insist, to inhibit the use of the stream so long as its navigability is not destroyed. States or individuals may take the water from the stream, but if they return it undiminished in quantity, undeteriorated in quality and do not interfere with the navigability of the stream, they may do so. Obviously, if an individual, a municipality, or a sovereign State improves the navigability of the stream, Congress has no right to interfere, and ought not to interfere. Such an act would be in furtherance of the use of the streams for commerce, and to that extent it would be in harmony with any regulatory power that the Federal Government might exercise.

I believe that under the construction which is daily being placed upon the commerce clause of the Constitution, and one or two other clauses of the Constitution to which I might refer, we are invading the rights and sovereign powers of the States, and if we persist in that construction much longer the States will be mere shells. I ask the Senator if he believes that merely because of the regulatory power a State may not increase the navigability of a stream, and, if not, why not?

Mr. SHIELDS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Tennessee?

Mr. FLETCHER. I yield to the Senator.

Mr. SHIELDS. The position of the Senator from Utah as to the rights of the States over the waters within their respective territories was never questioned until about 1899. By an act then passed—I think an amendment to the rivers and harbors bill—and another one in 1906 and another in 1910, a different doctrine was asserted. This was the first time it was ever thought that a State or an individual or riparian proprietor had to go to Congress to get a permit to improve its or their property. Prior to these acts the only power which Congress exercised was to remove obstructions if they were placed in a navigable stream—not improvements, but obstructions. If it was determined by the proper authority—which

was the War Department then as now—that it was an obstruction, it was removed, because it interfered with navigation. The conservationists got through the water-power legislation, more particularly in 1910—that is the drastic act—providing that no riparian proprietor or State could construct a structure of any kind in a navigable stream without an act of Congress permitting it, even if it was a great improvement to navigation. This is just a broad, arbitrary, unreasonable, unconstitutional statute. I know that in my State—and I think you will find it in the records of the others—the Tennessee General Assembly made divers appropriations for the improvement of the navigable waters in that State as far back as 1820, and there never was any question in regard to it until Congress assumed this jurisdiction in 1890 and 1900; and I believe that if to-day a State or a riparian proprietor were to put a structure in a stream without permission of Congress—not an obstruction, but a structure that did not obstruct the navigation of the river—and the Federal Government were to attempt to indict them for it or to remove it the courts would hold that it had no authority to do so.

Mr. FLETCHER. Mr. President, I had no idea that this question, involving the constitutional power of Congress and involving State rights, would be raised at this time. I have not at hand the decision, but I have in mind the fact that as far back as the Ogden case, which arose in New York and was decided by Chief Justice Marshall, it has been well established that the United States Government had jurisdiction over the navigable waters, rivers, and harbors of the United States, and for purposes of navigation exclusive jurisdiction. Beyond that, the jurisdiction would not extend to anything more than the protection of the navigation.

Mr. SHIELDS. If the Senator will allow me to interrupt him, the earliest case upon the subject along the line of the argument of the Senator from Utah involving the rights of the States, the case of Pollard against Hagan, arose in Alabama, and, I think, is reported in 3 Howard. The case of Ogden against Mills only involved the question of navigation, but the States hold the streams in trust for their people. There is not only that early case but there is an unbroken line of authorities to sustain that proposition up to within the last two or three years, one case arising in New York in relation to the St. Lawrence River, and another arising in the State of Kentucky, in which the Supreme Court of the United States went back and sustained the Alabama case and all the cases following it.

Mr. FLETCHER. Mr. President, beyond any question the States can appropriate money and can expend that money in improving navigable waterways, provided they do it upon the approval and really under the direction of the engineers of the War Department.

We have a peculiar situation in my State that bears on the question raised by the Senator from Utah. I think there the Federal authorities are going too far. There is a great inland lake in my State, Lake Okeechobee, the largest inland lake in the country outside of the Great Lakes, I think. It is some 50 miles north and south and 50 miles east and west across that lake, with a uniform depth of about 18 to 20 feet. The overflow of Lake Okeechobee is what produces what are known as the Everglades. The State undertook to drain the Everglades, to reclaim 4,000,000 acres of the very richest kind of land, and to do that they have to dig canals and they have to lower the level of Lake Okeechobee. When the rivers and streams flow into Lake Okeechobee from the north and excessive rains fall, the overflow takes place on the south, and that overflow spreads over the 4,000,000 acres or more of land known as the Everglades. In order to prevent that overflow, the plan of drainage operations includes the idea of lowering Lake Okeechobee some 4 feet by these canals puncturing the rim of the lake and relieving it of that much water. The War Department says, "You can not do that, because that is a navigable waterway." This lake is entirely inland, all in the State of Florida, but the Federal Government says that it is navigable—and it is, of course; it is 17 or 18 feet deep—and that the State can not lower that water without the permit of the Federal Government.

There is no conflict between them, because everything is working harmoniously, but I am referring now to the principle. In the case of an inland lake like that, which does not connect with any ocean or gulf or waterway outside at all until you force the connection, I doubt very much if the Federal Government has authority and jurisdiction over that body of water, lying entirely within the State, and not connecting, as I say, with any sea or ocean or waterway leading to and usable in interstate or foreign commerce. Interstate or for-

eign commerce can not be involved in this case, because the lake is all within the State. So I doubt very much if the Federal authorities are not stretching their authority when they undertake to say to the State authorities: "You can not lower that lake 1 foot unless you get our permit to do it, and you shall not do it below a certain depth." The State authorities are willing to accept the opinion and the good judgment of the Army engineers, because they do not want to harm the navigability of the lake in any way, anyhow, and so there is no conflict anywhere; but I am referring now to the principle involved under the Constitution.

Even in the instance of that inland lake, where no foreign or interstate commerce is involved, the Federal authorities assume jurisdiction, because it is a navigable body of water. But, generally speaking, unquestionably the Federal Government has jurisdiction over the rivers and harbors of the country which carry interstate and foreign commerce, and facilitates it, and no State can build a bridge across navigable water without permission from Congress. They can not do anything, certainly, to obstruct in any way the navigability of such a waterway, and in order to be sure of it we have provided that the State authorities or individuals shall get a permit before they can act. Congress and the Federal Government having jurisdiction of navigation, the Supreme Court having held that "commerce" includes navigation, require that that jurisdiction shall be maintained and respected at all times, and unless permission is granted by Congress no structure can be put upon or in or across a navigable waterway.

Mr. NORRIS. Mr. President, if the Senator has finished that particular item, I desire to say just a word. I wanted the Senator to go a little further than he did in discussing some of the items which have already been approved. I believe an examination would show whether or not we can make a reduction, and if so, how much of a reduction we can make without serious injury to the projects. I would like to ask the Senator about the Missouri River from Kansas City to the Mississippi River. Is that one of the 35 projects to be completed?

Mr. FLETCHER. Only maintenance is provided for on a portion of the Missouri River. On the Missouri River, from Kansas City to Sioux City, the only thing to be taken care of, if we appropriate \$56,000,000, is maintenance, for which \$25,000 is provided. From Sioux City to Fort Benton the only matter that will be taken care of, if we appropriate \$56,000,000, will be maintenance, for which \$15,000 is provided. But from Kansas City to the mouth the bill contemplates an expenditure of \$1,000,000 for improvement and \$500,000 for maintenance. The expenditure of \$1,500,000, therefore, is contemplated from Kansas City to the mouth of the Missouri River.

Mr. NORRIS. There are no dams to be built there, are there?

Mr. FLETCHER. No.

Mr. NORRIS. No rock work or anything of that kind has to be done, and with that much money provided they could do a good deal. What is the channel they are providing for, and how much of a channel have they now?

Mr. FLETCHER. I refer again to General Taylor's statement before the Committee on Appropriations of the Senate, page 168, where the following occurred:

Senator WADSWORTH. Under this \$56,000,000 how much will be allotted to the lower Missouri River?

General TAYLOR. Probably in the neighborhood of \$1,000,000.

Senator SPENCER. From Kansas City to the mouth?

General TAYLOR. From Kansas City to the mouth.

Senator WADSWORTH. What progress has been made there, General, in the lower Missouri River?

General TAYLOR. There has been no progress in the last few years because we had no money for it. Last year we allotted \$100,000, which was just barely sufficient for a small amount of maintenance work with no new work at all.

Senator WADSWORTH. There has been a great deal of money spent there, however, in years past, has there not?

General TAYLOR. Yes, sir; there has been quite a little money spent there in years past.

Senator WADSWORTH. Can you give any idea how much?

General TAYLOR. Since the new project has been adopted there has been spent for new work from United States funds \$7,380,579.60.

Senator WADSWORTH. With really nothing to show for it thus far?

General TAYLOR. Very little to show for it, because it is such a small part of the estimated cost of the project. The estimated cost was \$20,000,000.

Senator WADSWORTH. What was the depth contemplated in that project?

General TAYLOR. Six feet. There has been, perhaps you know, a great interest manifested in the Missouri Valley in the last year or two by the landowners in doing work themselves for the protection of their own land. There is a concern known as the Wood Bros. Construction Co. which has been engaged in that work. They took it up first because they had a ranch of some 11,000 acres not far from Omaha, Neb., into which the river was cutting very badly, and in order to protect their own land they put in a certain form of dike protection. They then advertised that, so to speak, to the farmers in the country, showed what they had done, and they formed a construction company that succeeded in inducing all of the States along the Missouri River to

pass laws authorizing the formation of protection districts. Those districts are authorized to issue long-term bonds, which, I am informed, the banks take at par, and the money has been expended in the river-bank protection.

The Woods Bros. Construction Co. has done over \$1,000,000 worth of private work this year on the Missouri River for bank protection. We are working with them as we believe that that is the proper thing to do on the Missouri. We think that the landowner, who is benefited directly by the bank-protection work, should pay for it himself, and we have been encouraging that development all we could with the idea of getting the people benefited to pay for it and let the Government do the work which is purely for the benefit of navigation.

I undertook to explain this yesterday with reference to the upper Missouri. General Taylor continued:

I think that movement has got such a good start there that it is bound to continue.

Then he passed on to a discussion of the upper Missouri.

Mr. NORRIS. If the Senator can give me the information, I would like to know a little more about what has been accomplished with the expenditure of that money. It seems that quite a large sum has been expended.

Mr. FLETCHER. Quite a large sum, and they have not gotten very far with it, because they have not had enough at any one time to prevent the sweeping away of what had been accomplished in the way of channel deepening the year before by the washing in of the banks and filling.

Mr. NORRIS. I think the answer the Senator has given involves this question: If we dig out a channel this year, it fills up, and there is no channel there the next year. Is it wise to go on doing that? In the first place, I am very much interested in that part of the Missouri River as well as other parts, but I think that if that stretch from Kansas City to the Mississippi River can be made navigable it will mean a great deal to a very large section of the country and a large number of people.

Mr. FLETCHER. Undoubtedly.

Mr. NORRIS. But I do not want the Government to waste money, and I would like to know really what has been accomplished. I think five or six or seven million dollars have been spent on that stretch of the river, have they not?

Mr. FLETCHER. Yes.

Mr. NORRIS. What was done with the money, and how much of it was spent in any one year, if the Senator knows?

Mr. FLETCHER. That will be shown by the engineers' report. I have not that data before me, but it shows precisely what has been spent each year.

Mr. NORRIS. There are no dams there, are there?

Mr. FLETCHER. There are no dams. I think the engineers feel very much encouraged, and I think the committee which looked into it feels encouraged, on account of this effort to protect the banks and shores. There was a demonstration made here as to what could be accomplished in that respect, and there were moving-picture exhibitions of what the Wood Bros. Construction Co. are actually doing. Unquestionably their process of preventing the washing away of the banks of the river and protecting the banks is a great success.

Mr. NORRIS. I am familiar with it to some extent myself, and it is a great success.

Mr. FLETCHER. That is the main work. If that is done the matter of deepening the channel for navigation will not be a very serious problem.

Mr. NORRIS. No; I should think not. If it depends on the success of that method of holding the banks it would be successful, because I believe it has been demonstrated that the method used by the Wood Bros. is more successful and more economical than any other that has ever been devised.

Mr. FLETCHER. I think so; and I think the engineers feel that way and say they are working with the Wood Bros.

Mr. NORRIS. Does the Senator know whether it is necessary to excavate to any great extent from Kansas City to the Mississippi?

Mr. FLETCHER. It is necessary to some extent, but of course there will not be much excavation, because the depth is to be only 6 feet. I think there are no engineering difficulties in the way when the question of bank protection is once settled.

Mr. NORRIS. That will be comparatively inexpensive, will it not? If they could make the river navigable by that means, why should not the Government do it, the same as they use some other means to make a river navigable, instead of expecting the owners of the land to do it?

Mr. FLETCHER. I think they are cooperating with the owners as far as they can. Of course, there is quite a distance from Kansas City down, and it takes a good deal of money to do that work. I forget the mileage, but I think it is something over 300 miles.

Mr. NORRIS. It is between three and four hundred miles. It is clear across the State of Missouri, of course.

Mr. FLETCHER. It is an expensive thing even to remove the silt from year to year. I have said all I care to submit now.

I simply say that I think it will be a great mistake to reduce this appropriation.

Mr. NEW. Mr. President, I want to commend all the Senator from Florida has said with reference to the Engineer Corps of the United States Army. Whether this work should be placed upon their very able shoulders or not, I am not prepared to argue, but that it could be placed on more competent shoulders, I am sure is not the case.

While that is true, and while I have the highest respect for their professional ability, they are not passing upon these projects from the commercial standpoint. I know they say that the amounts which they have fixed in their various recommendations can be profitably expended; that is to say, the Government is justified in putting the amounts of money assigned into these various projects, but, after all, conceding everything which may be conceded, the engineers are not looking at these things from the commercial standpoint. They tell us what may be done to good advantage, but they do not tell us where the money is to come from that is to pay the bill. That is in other hands. The responsibility for raising the money is with other departments.

Now, Mr. President, I am very much in favor of the Ohio River project particularly and the expenditure of all that the engineers have estimated for work along that river. The Ohio River was a great artery of commerce before the oldest Member of this body came into being. It is not a purely local enterprise at all. It directly supplies a vast area. From Pittsburgh to New Orleans, which is the outer end of the Ohio River's real course after its confluence with the Mississippi, is a very great distance. It traverses and supplies at least 25 per cent of the States of the Union, and a great deal more than that, because it goes directly to the seaboard; and further still, by reason of its geographical location, it can carry a character of freight and supplies that can be transported by river to better advantage than in any other way—coal particularly—and the iron manufactures of the Pittsburgh district and the various other manufacturing towns and areas through which the Ohio River flows.

But, Mr. President, I think that the matter of the expenditure of the money that is to be spent on river and harbor improvements under the bill, after all, is a matter of common sense more than anything else.

Mr. POMERENE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. Moses in the chair). Does the Senator from Indiana yield to the Senator from Ohio?

Mr. NEW. Certainly.

Mr. POMERENE. The Senator has been speaking very interestingly about the Ohio River project, which is now perhaps two-thirds or more completed. We have a very large investment in those dams, but they are substantially useless because the other dams have not been completed. When the entire project is completed it is going to improve transportation on the Ohio River.

If I may give to the Senator from Indiana a concrete illustration which would affect present conditions of transportation, I would like to do so, and it will only take a moment. Some years ago when I was investigating the subject I found that during one year more than a million tons of coal were shipped into Cincinnati over and above what had been shipped in the year before, but very much less of the coal went down the Ohio River by barge. This was at a time when there was a shortage of freight power on the railroads.

Mr. NEW. I understand the Senator to mean that the shipments came to Cincinnati by water and then were diverted to rail because the river was not navigable below that point?

Mr. POMERENE. The river was not navigable at that time. That was it in part. Again, there was another situation for which the railroads, as I was informed, were in part responsible, because it seemed that a rate was given for the shipment of coal by rail from Cincinnati to Toledo and farther north which was very much less if the coal went into Cincinnati by rail. In other words, there was a very much higher rate if the shipment of coal from Cincinnati to Toledo unfortunately happened to come into Cincinnati by water upon the Ohio River.

All of these facts, it seems to me, indicate the necessity of completing the Ohio River project at the earliest moment possible. After that shall have been completed, then we will be able to demonstrate whether or not river transportation is going to be what its friends claim for it, or a failure.

Mr. NEW. Mr. President, all that the Senator from Ohio has said is true. Moreover, the discrimination which he has cited in the matter of freight rates from the Ohio River north on the railroads is, I think, unjustifiable and wholly wrong. All that

he said about the advisability of completing the work on the Ohio River at an early date is also true. But, Mr. President, I insist that all of the work is still possible if we keep the appropriation at a very much smaller figure than the \$56,000,000 which is called for as the bill now reads. I am perfectly willing, as a friend and champion of the Ohio River improvement, to vote for a reduction in the appropriation. I do not believe that the amount of money asked for river and harbor improvement is justified at this time for the reason that I find in it so many projects which, it appears to me—I do not think I am wrong about it, either—can be put over until a more propitious time.

One further thought: In determining the allotment of the money, say \$29,000,000 or whatever sum may be required, it occurs to me that the object to be given prime consideration is what projects can be developed with reference to do the greater good for the greater number. Certainly the Ohio River project is not local in its application. It does not merely supply a few towns along the Ohio banks or along the Indiana banks, or those of any other particular State through which it travels in its course to the sea, but it supplies a large number of States. I think it flows either through or by approximately a dozen States, and, as I have already said, it reaches the seaboard with freight of a character that can be so easily transported by water. The element of time does not cut a great figure in the delivery of a barge load of coal between the Kanawha Valley and New Orleans. If it is 10 days, all right; if it is 20 days, it still reaches there in good condition. There are projects provided for in the bill which ought to be taken care of adequately now, but there are others which can be and should be deferred out of consideration for the difficulties which the Government is experiencing in raising money to meet its most urgent everyday needs.

For these reasons, and believing, as I do, that the Ohio River improvement will not suffer—at least, that it need not suffer—as a result of a lessened appropriation here, I shall vote for a reduction in the amount now carried in the bill for rivers and harbors.

Mr. WADSWORTH. Mr. President, I ask unanimous consent that when the Senate finish its business to-day it take a recess until 12 o'clock to-morrow.

The PRESIDING OFFICER. Is there objection?

Mr. BORAH. Just a moment. I would like to have an opportunity to send for a Senator who is interested in the matter.

Mr. WADSWORTH. Does the Senator from Idaho refer to the chairman of the Committee on Agriculture and Forestry?

Mr. BORAH. I do.

Mr. WADSWORTH. The information which reached me was that the Senator from Nebraska [Mr. NORRIS] desires to have a meeting of the Committee on Agriculture and Forestry to-morrow morning, and that he therefore would not like to have a recess taken to 11 o'clock.

Mr. BORAH. Very well.

Mr. WADSWORTH. I assume that he would not object to 12 o'clock as the meeting hour to-morrow, because that is the usual hour of meeting anyway.

Mr. BORAH. I have no objection if the Senator from New York understands the wish of the Senator from Nebraska.

Mr. WADSWORTH. I did not converse directly with the Senator from Nebraska, but the information came to me through another Senator.

Mr. UNDERWOOD. May I ask what the request was?

Mr. WADSWORTH. That when the Senate finish its business to-day it shall take a recess until 12 o'clock to-morrow.

Mr. KING. Mr. President, I wish to inquire of the Senator from New York if a day will be given this week for the consideration of the calendar; that is to say, will we have a morning hour?

Mr. WADSWORTH. Not before the pending bill is finished.

Mr. KING. After the bill is out of the way we may have a morning hour?

Mr. WADSWORTH. I am not in a position to give the Senator an assurance on anything except in connection with the pending bill.

Mr. KING. I do not see the leader on the other side present at the moment, but the papers state that the Senator from New York is assistant leader, and I appeal to him for information.

Mr. WADSWORTH. I am having enough trouble with this particular bill without going further to find more.

Mr. KING. I can assure the Senator we are facilitating it in every possible way in order to secure its passage.

Mr. WADSWORTH. I have noticed that.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

Mr. WILLIS. Mr. President, some criticism has been indulged in here relative to certain items provided for in the appropriation carried in the bill. I am frank to say that I share the feeling, in part, of those who have indulged in that criticism. I think appropriations are proposed to be made for some items that ought not to be provided for, but I am very anxious that the country shall understand from the denunciations which have been heaped upon the bill as a whole that a particular project to which I shall refer in a minute does not come within that class but is of a different character altogether. I see my friend from Idaho [Mr. BORAH] smiling.

I took occasion yesterday in some remarks I made here to point out some items that I thought were without justification. I go further and say that I think the fault is not with the Board of Army Engineers entirely; but if I may say so without improper reflection upon the committee of which I am a most humble member, I think the fault rests in part upon the Committee on Commerce. I think there are a number of items that ought to be taken out of the bill and the projects ought to be permanently abandoned.

My attention was drawn to that some months ago when I was examining a bill introduced by the able Senator from Washington [Mr. JONES], chairman of the Committee on Commerce, Senate bill 3017, in which are named 47 or 48 different projects upon which at different times public funds have been expended in large amounts, running up into how many millions of dollars I do not know; but it was then proposed that those 47 or 48 different projects should be definitely and finally abandoned. I think that bill should have been reported and passed, and I think another bill of that character would help very much to solve this problem.

Mr. BORAH. Mr. President, may I ask the Senator from Ohio a question?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. WILLIS. I yield.

Mr. BORAH. How many of the projects which are covered by the bill which was introduced by the Senator from Washington [Mr. JONES] are included in this report?

Mr. WILLIS. I have not had time to check up on that. I should say, in fairness, though, I have not found any. There may be some, but I am not in a position to answer that question definitely.

Mr. KING. Mr. President, will the Senator yield to me?

Mr. WILLIS. Certainly.

Mr. KING. How does the Senator expect to cure the situation when, notwithstanding the recommendation of the able Senator from Washington to abandon 40 different projects, we have before us, or shall have in a short time, a proposition to include 200 more under the provisions of the river and harbor bill, for, as I understand, the Army engineers, under pressure or otherwise, have recommended 200 additional projects, 35 of which find some provision for their improvement or maintenance in the pending bill?

Mr. WILLIS. Mr. President, the junior Senator from Utah understands that the bill to which I have referred was not reported from the committee. I think it ought to have been; I think it ought now to be reported, and that an additional bill should be reported recommending the abandonment of some other projects, among them certain ones to which I drew attention on yesterday, which, in my opinion, are unworthy and ought not to be continued. I think those ought to be included in the bill of the Senator from Washington. So I think my position in this matter is fairly understood.

In these criticisms, however, I do not desire that there should go by without some word of response the suggestion that the whole river and harbor bill is a measure that could be treated lightly and that is unproductive of good. There have been a number of inquiries and some remarks have been made concerning the Ohio River improvement. At this time I simply wish to ask permission to place in the Record a brief statement from the report of the engineers as to what is actually being done and what has been accomplished on that great project.

Without taking time to read it all, I call attention to the fact that the estimates for this year for the completion of the work on the Ohio River are \$7,526,000. There have been expended upon that work thus far \$72,000,000. Five million four hundred thousand passengers and 8,000,000 tons of freight, worth \$464,000,000, were carried on this project in 1921. It is well understood that when that work shall have been completed it will, as my colleague, the senior Senator from Ohio [Mr. POMERENE], has suggested, furnish the best opportunity that probably can be furnished by the country to determine once and for all the question of the efficacy of water transportation. I desire to say that all the facts at hand thus far

indicate that that project, if we establish a 9-foot stage of water from Pittsburgh to New Orleans, has every promise of yielding splendid results to the country. This project I have supported cordially and I shall continue to support it.

Mr. President, I ask to place in the Record at this point brief excerpts from the report of the Army engineers showing the condition of the work on the Ohio River and the necessity for further appropriation to complete the project at an early date.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

OHIO RIVER.

Comparative statement of traffic.

[Traffic through locks and open river and traffic by ferries not separate.]

Year.	Tons.	Value.	Passengers.
1892.....	6,901,186	(1)	1,476,363
1893.....	7,371,804	(1)	858,797
1894.....	7,795,501	(1)	1,033,492
1895.....	7,963,478	(1)	866,030
1896.....	9,914,435	(1)	1,223,296
1897.....	11,265,638	(1)	1,914,763
1898.....	6,756,627	(1)	2,335,903
1899.....	13,529,742	(1)	3,612,955
1900.....	14,054,322	(1)	3,881,588
1901.....	10,064,373	(1)	4,304,730
1902.....	12,202,017	(1)	4,517,635
1903.....	12,499,842	(1)	4,286,031
1904.....	10,142,551	(1)	3,951,384
1905.....	13,163,656	\$22,145,592	4,193,971
1906.....	11,427,784	79,994,488	4,349,069
1907.....	11,306,544	79,145,808	4,414,213
1908.....	8,498,754	59,491,278	3,960,965
1909.....	8,676,701	60,736,907	4,071,794
1910.....	11,112,216	358,399,889	4,313,528
1911.....	12,046,294	82,074,873	3,827,365
1912.....	8,618,369	71,064,229	3,852,289
1913.....	9,814,123	77,026,901	4,270,786
1914.....	9,530,309	93,294,479	3,955,911
1915.....	9,273,184	188,510,914	5,017,375
1916.....	7,917,112	165,130,487	4,150,411

	Short tons.	Value.	Passengers.
Calendar year 1917:			
Through locks and open river.....	4,598,875.32	\$70,510,378.97	637,378
Ferries.....	1,550,338.00	238,762,376.76	2,823,634
Total.....	6,149,213.32	309,272,755.73	3,461,012
Calendar year 1918:			
Through locks and open river.....	6,171,412.70	77,685,322.47	864,353
Ferries.....	451,528.30	67,989,594.81	9,467,556
Total.....	6,622,941.00	145,654,917.28	10,331,909
Calendar year 1919:			
Through locks and open river.....	5,004,377.74	88,912,135.54	1,048,095
Ferries.....	465,045.86	97,798,196.67	3,260,225
Total.....	5,469,423.60	186,710,332.21	4,308,291
Calendar year 1920:			
Through locks and open river.....	9,382,463.70	223,443,491.73	1,130,112
Ferries.....	486,861.66	145,164,075.30	3,325,728
Total.....	9,869,325.36	368,607,567.03	4,455,840
Calendar year 1921:			
Through locks and open river.....	7,307,880.09	93,274,813.61	1,373,854
Ferries.....	729,908.23	371,301,448.28	4,079,497
Total.....	8,037,788.32	464,576,261.89	5,453,351

¹No statistics available.

Effect of improvement: The great benefit claimed for the improvement will be felt only when the slack-water system has been extended far enough downstream to permit of continuous navigation at all times (except when interrupted by floods or ice) over a longer section of the river, connecting the large cities on the upper section with those on the middle and lower sections. The commercial effect of the series of completed dams on the upper river is reflected in the marked increase in general traffic and in the amount of coal shipped from the mines along the Monongahela River, to industrial plants on the Ohio River at Aliquippa and Midland, Pa., and Steubenville, Ohio. Coke in considerable quantities is also being shipped from the Monongahela River to steel plants at New Cumberland, W. Va. Coal is also being shipped upriver from pool 11 to industrial plants above.

During the low-water seasons of the past five years coal to the amount of approximately 1,040,000 tons was shipped from the Kanawha River fields to Cincinnati and other points along the Ohio River by releasing water impounded in the pools formed by the dams on the upper Ohio and its tributaries, creating artificial rises and assisting coal fleets with partially loaded barges over the shoals in the unimproved section of the river. This coal was urgently needed and much suffering and great economic loss were prevented as a result of receipt of the coal thus shipped, especially during 1917, 1918, and 1919, as none of it could have been transported by rail, owing to the serious congestion existing on the railroads at that time. Oil and gasoline have also been shipped in considerable quantities upriver to Pittsburgh from points in West Virginia and Kentucky by means of tank barges.

Proposed operations: The balance available at the close of the year from previous appropriations will be variously applied at each of the locks and dams now under construction and still unfinished to that part of the construction the early completion of which will be most advantageous to the progress of the particular work. Upon these locks and dams which are nearest completion the funds will be applied to the placing of the wickets and their different parts, installing gate-operating machinery or power-house equipment, and in placing in proper condition the grounds belonging to the improvement. Where work has not been so far advanced the available funds will be applied to cofferdam construction and in placing the masonry of the lock or dam, depending upon the state of the particular work. It is not possible to state definitely the rate at which funds available at the close of the year will or can be expended, as the rate of progress is controlled largely by the stage of water in the river. However, in view of the small balances remaining from the previous river and harbor act, it was necessary toward the close of the fiscal year to transfer and reallocate funds previously allotted to various locks and dams in order to prevent cessation of the most important work. In view of this fact and also in view of the large sums obligated by contracts for the construction of the dams at Nos. 32 and 34, together with the large amount of work being undertaken by hired labor methods, it is believed that the balance available will be entirely exhausted by the end of the fiscal year 1923.

It is proposed to apply the funds—\$7,000,000—for which estimate is submitted in this report for the fiscal year 1924 to continuing or completing work upon the locks and dams under construction at the close of the year, and to commencing the construction of such additional locks and dams as may be possible with the funds provided.

There has been great development of navigation on the upper part of the Ohio River since the locks and dams on that part of the river have been completed, and urgent appeals are now being made by navigation interests for the early completion of the work on the lower river.

Recommended modifications of project: None.

Commercial statistics: Of the total commerce reported for the calendar year 1921, 2,135,608.30 tons passed through the locks and 5,172,271.79 tons went by open river. Coal constituted 60 per cent of the tonnage and sand, gravel, and stone 22 per cent. The principal items in order of tonnage representing the remainder are miscellaneous, manufactured iron and steel, railroad ties, coke, merchandise, machinery, and oil.

Mr. UNDERWOOD. Mr. President, I merely wish to say a few words in favor of this item before the vote is taken.

Mr. President, the most important question which is now absorbing the attention of the American people is that of transportation. Freight rates for many causes have increased enormously. Of the items that go to make up freight rates, labor constitutes a net charge of 60 per cent; more than 10 per cent is supplies, such as oil, lumber, and coal; and 5 per cent or more is taxes. I do not know of any way in which we are going to reduce those items, and, if they are not reduced, then, taking all the other items that go into the making up of a freight bill, we have only a leeway of 15 per cent in which to determine the problem. So, for the time being, and probably for a long time to come, the American people are going to pay very much higher freight rates than they paid before the Great War. The Congress of the United States, no matter what some orators may say, are not going to perform miracles and bring about a reduction in freight rates so as to make them comparable with the rates which were charged before the war, though, of course, I should be glad if it were possible to accomplish that result. Before the World War we probably had the cheapest freight rates, taken in the aggregate, of any great country in the world. I wish we could return to that condition, for it meant much to the health, the life, and the prosperity of our Nation, but we are not going to do it.

It is almost impossible for some of the heavy freights of this country now to move under the present high freight rates. There was a day before the Great War when I remember that the heavy products from the Birmingham district, such as iron and steel, could stand the rate of freight then charged and go by rail into the eastern markets, such as New York and Boston, and even compete with the Pennsylvania furnaces and mills; but to-day the increased freight rate practically bars the products of that district out of the eastern market. That is only an illustration, but it is an illustration that may be cited in reference to many other products from many sections of the Union, and we are confronted with that condition because of these insurmountable costs which stare the American people in the face. If anyone will tell me how to reduce the cost of the 85 per cent of charges to which I have referred against every freight rate I should like to know how it may be done. No one has been able to say how it may be done up to this time.

However, Mr. President, nature, in the geography of America, has given us a way to solve the problem if we would but use it. This country has one of the greatest natural water systems in the world. The Mississippi River extends almost from the Canadian line to the Gulf and its tributaries reach out to the Alleghenies and toward the Rocky Mountains; the rivers of New York and New England are prepared to carry the commerce of that section to the sea, and so are the great rivers of the Pacific; and yet, Mr. President, practically speaking, Amer-

ican commerce is unable to avail itself of the opportunity to use that means of transportation. It is not that it can not be done. We fight here over whether a 6-foot channel or a 9-foot channel is needed. I am in favor of making the channel as good as it is possible to make it; but boats can go to the sea on a 6-foot channel.

The great commerce of Europe in many cases is carried on 4-foot channels. I have stood on the banks of the Rhine and seen lines of barges going up and coming down that river, carrying the bulk of the freight that is moved in that valley, notwithstanding the competition of lines of double-track railroad on each bank. The Rhine is not nearly so great a river as is the Mississippi, it is not so navigable as is the Mississippi today, and it only compares favorably with many of our lesser rivers; yet, although we have these great waterways, many of which we could use to-day, we can not interest the Government of the United States in developing them for the people; we can not interest the Congress to take the action that is necessary to be taken in order that this method of transportation may be availed of.

Why is that? It is because from the beginning the great railroad lines of this country went out to kill competition. Twenty years ago, 30 years ago, 40 years ago, we invited competition in transportation; the man who was engaged in the transportation business was fighting for a competition that would give him control of the movement of freight, and so he proceeded to put his competitor out of business, with the result that, although 40 years ago steamboats were moving down the Mississippi and up the Ohio and as far north as St. Paul, carrying immense cargoes of freight, the railroad lines reduced their rates so as to starve the steamboat lines out of existence, and we sat quietly by and allowed it to be done. Every now and then when we have a bill before Congress the railroad managers say, "We may have done that in the past, but we are not going to do it in the future"; and yet, when the time comes and the opportunity is afforded, every effort is made to drive out and destroy water competition.

A child knows that heavy products can be transported cheaper by water than by land. The American people are entitled to water transportation to enable their products to be carried to sea as cheaply as possible in order that they may compete in the foreign markets. There is just one thing to be done, and that is to make destructive competition on the part of the railroads cease. The clause in the act regulating the railroads allowing them to reduce their rates to meet water competition was exactly the same as allowing them to reduce their rates to kill water competition, and they have done it, and they are going to continue to do it. Even when the Government itself is engaged in the business, as it is to-day on the Mississippi River and the Warrior River, we can not get Government bureaus reasonably and fairly to protect the Government's own business in the distribution of freight.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. UNDERWOOD. I do.

Mr. BORAH. Did I understand the Senator to say that the railroads had reduced freight rates to the point where they destroyed water competition?

Mr. UNDERWOOD. They have done so in the past; yes. What they do is this: They reduce their rates below or equal to the water rates. It makes no difference that they can not afford to do it; boats may carry the freight cheaper and do carry it cheaper; but the railroads meet the water rates in order to take the business away from the boat lines, and then the shipper, because he may get or thinks he may get a day or two advantage in delivery and because it may be easier to load on trains, goes to the railroads and lets the boat line perish. That is not a theory, but it is a fact.

Mr. BORAH. That may have been true years ago, but it certainly has not been true very lately.

Mr. UNDERWOOD. It has not been true very lately, and why? Because the dead man can not speak. They killed water transportation, and no live man is going back into the business under similar circumstances; but the fault lies here, on this floor. They need not be dead men if we would give them the right to carry the freight fairly where they can do it the cheapest, and not allow somebody to come along and cut their throats.

Mr. BORAH. That might be true in some parts of the United States, but it never could be true from the Atlantic to the Pacific or from the Pacific to the Atlantic, because the rivers do not run right.

Mr. UNDERWOOD. I am surprised that my friend from Idaho should drift into that line of thought that many people do drift into in this country, that the only ports in this country

are on the Atlantic seaboard and the Pacific Ocean; that New York and San Francisco are the great ports of the country, and that all freight and all traffic and all thought must lead there. God Almighty made the Mississippi River. He gave these great rivers for the use of the people that live here, and the natural course of transportation down the Mississippi Valley should be to New Orleans. The people who have the wheat of the Northwest and the cotton of the South to send to foreign markets should not have to pay high freight rates to go across the Allegheny Mountains when they have a practically level way down the Mississippi River and when they have a great river on which to carry their products at low cost.

Mr. BORAH. That is true of a certain kind of freight, and of course the argument of the Senator limited to those things is unanswerable; but there is a vast amount of freight which has not been touched by the situation to which the Senator refers. The thing that is destroying us out West is the high freight rates; it does not make any difference whether you go by the Panama Canal or whether you go by the railroads.

Mr. UNDERWOOD. Undoubtedly; I agree with the Senator; I just said that; but, if the Senator will tell me, is he in favor now of cutting railroad wages back to what they were before the war? No; I will answer for him, and he will not deny it. Can he reduce the prices of coal and lumber and oil, except as time and competition will reduce them? No. Can he reduce the taxes that the railroads have to pay? No.

Mr. BORAH. Yes; I could do that.

Mr. UNDERWOOD. I do not know how the Senator could.

Mr. BORAH. It is a very easy thing to do if we have a mind to do it. Of course, the States and the Congress must act together in regard to such things. The proposition with me is that the thing which we are doing here with reference to a vast amount of the river and harbor appropriations in this bill—appropriations which swell the amount and make it exorbitant—will never reduce freight rates by a cent, because the money is not spent on rivers or streams where there will be any freight moving.

Mr. UNDERWOOD. I take issue with the Senator, and I am glad he said that, because we are coming right down to the issue, and I want to face it. I challenge the Senator's proposition that he can reduce the taxes in my State or his State that the railroads have to pay, or that he can reduce the income taxes that have to be paid to the National Government. That is an impossibility practically, no matter what it may be theoretically with the Senator; and there you have 85 per cent—labor, supplies, and taxes—of what has to be paid to run the railroads, and you can not make any great reduction on the other 15 per cent.

Mr. BORAH. Of course, we can not reduce taxes unless we reduce appropriations. I admit that. It is apparent that we are not going to reduce appropriations, but we could if we desired to.

Mr. UNDERWOOD. Of course, we might cut down the salaries of the officers in our States; we might fail to pay pensions to veterans; we might do a great many things; but we are not going to do it, and the Senator knows that as well as I do. Taxes are not coming down.

Mr. CARAWAY. Mr. President, will the Senator permit me to interrupt him just there?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Arkansas?

Mr. UNDERWOOD. I yield.

Mr. CARAWAY. Possibly the Senator was going to mention it, but the Senator from Idaho was talking about the minor streams. There are only one hundred and eighty-one thousand and a few odd dollars carried in this bill for the improvement of what are known as minor rivers.

Mr. UNDERWOOD. Undoubtedly the Senator is right.

What I want to say, and what I am coming to, is this: I do not stand here to criticize anybody else, and I do not mean it in the way of criticism, but I stand here because I feel that a great section of this country is being antagonized on the very most important proposition that confronts it. It is being antagonized simply because people say: "You have the rivers, and there is no freight moving on them"; and yet we know that if to-day we would repeal the clauses in the transportation acts that allow the railroads to reduce freight rates so as to drive the steamboats and barge lines off the rivers, they would go back there and function for the benefit of the American people with lower freight rates—at least for the benefit of a large portion of the American people.

We have these great rivers, and they are navigable now. They were navigable before the Civil War, and carried vast volumes of freight even before they were improved. We have

Government investments of hundreds of millions of dollars in them.

Mr. BORAH. They carried a vastly greater amount of freight than they carry now before we put the millions into them.

Mr. UNDERWOOD. Not because we have improved them, however. They carried greater freight then because we did not invite an unfair and unjust and unequal competition against them.

Here is the situation, and nobody can deny it: In many, many instances, if not all, the railroad lines have reduced their rates below what they could fairly carry the freight for, below the cost of carrying it, in order to destroy water competition, and then have made the hinterland of the railroad that did not lie on the water pay the additional cost in order that the road might run. That is the story, and that is the truth of it.

Mr. BORAH. I do not agree with the Senator that the railroads have reduced freight rates below a point at which they could afford to carry freight. I can not believe that the facts as they are developed will sustain that proposition.

Mr. UNDERWOOD. It is not open to dispute. I am sorry the Senator is not informed, but it is not open to dispute. I could name conditions in my own State where it has been done; but if the Senator will read the testimony before the committees of the House and the Senate when the Cummins bill was up he will find direct admissions of railroad men that they had done this in the past, but they said they would never do it again in the future, and yet I know of an instance that was referred to here yesterday in my own State where they deliberately gobbled up the entire division of a freight rate to destroy water competition.

Mr. BORAH. Of course, if the Senator has in mind a particular instance which he says he knows about of his own knowledge, I should be far from disputing anything the Senator might say in regard to the matter. I know that if he has examined it, he states it as it is; but I utterly dispute the proposition that the railroads of this country generally have reduced freight rates to a point where they can not afford to carry the freight.

Mr. UNDERWOOD. I am not talking about the general freight rates that they charge. I am talking about the competitive rates at points where they compete with water; and then they have raised the rates back in the hinterland to people who were not on the water, and made them pay enough to make the railroad pay. The people outside had to carry the burden until the water competition was destroyed, and then they went back to the old freight rates, until some years ago Congress passed a law saying that where they reduced the rate they could not put it up.

As I said yesterday, it is just as natural for railroad management to go out to destroy river competition with a railroad as it is for a dog to chase a cat. The only difference is that the railroad dog usually catches the river cat. That is the real truth about this matter.

We shall have to go back to the plan followed by every other country. The great countries of Europe are carrying the bulk of their freight to the sea by water transportation, even through artificial canals.

Mr. BORAH. Mr. President, does the Senator mean to say that the Interstate Commerce Commission has connived at the actions of the railroads in reducing freight rates for the specific purpose of destroying competition in some streams?

Mr. UNDERWOOD. The Interstate Commerce Commission has done what the law allowed it to do. The law does it. The fault lies right here, right in the center of this aisle. It is because there have been too many people who would not wake up to the fact that we are entitled to water transportation, and they allowed this law to stand on the statute books. The American people never will have a fair opportunity to get the advantage of cheap water transportation to carry their products to the sea until the American Congress repeals some of the laws in which it has authorized this unjust competition.

Mr. BORAH. What is the defect of the law dealing with the powers of the Interstate Commerce Commission which permits the railroads to do this without the supervision of the Interstate Commerce Commission?

Mr. UNDERWOOD. I can not quote the clause verbatim. The Senator will find it there.

Mr. BORAH. No; the Senator will find there a clause which was put in there for the specific purpose of enabling the Interstate Commerce Commission to deal with just that kind of a situation.

Mr. UNDERWOOD. To be sure.

Mr. BORAH. If it is not sufficient and efficient to do that, we ought to be advised of it, because the intent of Congress was to prevent that very thing.

Mr. UNDERWOOD. No; the Senator is wrong.

Mr. BORAH. The Senator is not wrong.

Mr. UNDERWOOD. I know what I am talking about.

Mr. BORAH. So do I.

Mr. UNDERWOOD. A clause was put in the transportation act to authorize railroads, in the discretion of the commission, to meet competition by water. It was discretionary with the commission in the beginning. When it went in there no one expected the commission to go to the extent of giving them an unlimited right to meet water competition and destroy it; but the commission took the position away back yonder that that was what it meant, and it ran along, and on occasions they allowed the railroads to meet the competitive rate until they said the precedent was so strongly established that they could not overcome it. When the Esch-Cummins bill was passed, we attempted to change that situation and give the commission a chance to start over again and prevent this unlawful competition. So far as I am advised, they have done nothing up to this time under the power vested in the Esch-Cummins Act.

Mr. BORAH. Then the Senator and I agree upon the proposition that it is not the fault of the law, but that it is the fault of the commission.

Mr. UNDERWOOD. It is the fault of the law in allowing the commission any discretion at all in the matter. What the law ought to do is to prohibit the railroads from reducing rates to meet this competition. If they can not carry the freight at their ordinary and just rates of tariff, notwithstanding the river, the freight ought to go to the river, and be carried by the cheapest means of transportation.

Mr. BORAH. I agree with the Senator.

Mr. TOWNSEND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Michigan?

Mr. UNDERWOOD. I do.

Mr. TOWNSEND. My understanding is that the attempt on the part of the Esch-Cummins law was to modify the provision as it then existed, which was that a charge for a short distance should not be greater than one for a longer distance, the shorter being included within the longer, provided—and this was the provision—that no rate should be established that was not compensatory in itself; so that they could not fix a rate for any distance that would not be compensatory.

Mr. UNDERWOOD. To be sure. The Senator sat on the committee with me, and he knows what we were driving at, and he remembers the discussion in the committee, and the witnesses that appeared before us. He knows, as I do, that the old clause under which the commission was first authorized to do this made it discretionary with the commission.

Mr. TOWNSEND. Yes.

Mr. UNDERWOOD. He knows that the commission came before us and said that that discretion had been used affirmatively to the railroads so long that it had become a precedent, and they could not overthrow it, and we attempted to change the language so that they could set a new precedent; but, as far as I am advised, they have not done so.

Mr. BORAH. Mr. President, that is another proposition I am unable to understand. There is nothing at all to prevent the Interstate Commerce Commission from overruling any precedent which it has established at any time since it was organized. It has perfect power. It is all within its discretion. It can disregard, and it does disregard, its precedents, and there could not be any possible reason in law why they should not disregard any precedent.

Mr. UNDERWOOD. The Senator is right about that. They could, just as the Supreme Court can overrule its own decisions, but he as a lawyer and I as a lawyer know it is hard to get them to do it. When they establish a precedent they do not change it. That does not help us at all, because while they may feel they have the power they do not exercise it. Congress has invested hundreds of millions in these water-transportation routes. We know water transportation can succeed, because it has succeeded in other countries. We know it can succeed, because it succeeded in America before this unjust competition was allowed. If the commission is not willing to handle the matter, Congress should act. There is no reason why we should attempt to ignore or destroy a great system of waterways. I am in favor of continuing to build them up, as the engineers are, and to keep on building them up.

Mr. HITCHCOCK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. UNDERWOOD. I yield.

Mr. HITCHCOCK. My impression is that water transportation has never been able to compete with railroad transportation in a country of large distances, and even in Germany it

was not able to compete, and it was recognized that it could not compete without legislation. The German Government enacted laws providing for a division of the freight between the canalized rivers and the railroads, and in Germany I understand certain freight must be shipped by waterway and can not be shipped by railroad where there is competition; so that it has required the force of law even in Germany to make water transportation possible in competition with railroads. To my mind in a great country like this, where distances are enormous, it is unreasonable to suppose that waterways can compete with railroads. It is almost a waste of money to appropriate with that hope.

Mr. UNDERWOOD. Of course, we can theorize about the matter, but a couple of years ago, when we had this question before us, I took the trouble to read the German statutes, and I did not find anything in them which would justify what the Senator from Nebraska has just said. I may not use the exact language, but I believe there are provisions in those statutes which do not allow the railroads to reduce their rates to within 20 per cent of the rates of the waterways. Water carriage is cheaper than railroad carriage, and the law does not allow the railroad to come down beyond a certain point and drive the water carriers out of business.

There can be no question about the water transportation being cheaper, when you can load on one barge as much as you can carry in two trainloads and when the barge does not cost as much as the engine of the train, and you start it down the river loaded, and it floats, or has a little tug to pull it. To say that it costs more to transport by water than to transport by rail, where you have to build miles of steel rails and carry the road through a country, pay enormous taxes, and great labor pay rolls, which you do not have in the water transportation, is really absurd, as it is to say you can not carry heavy freight cheaper by water than by rail. There is no question about it. It has been so since the beginning of rail transportation.

Mr. McKELLAR. Mr. President, the Senator will recall that in the act under which the barge lines were created Congress expressly provided that they could charge 20 per cent less than the usual rates charged by the railroads between the same places, and that discrimination is the law; but the railroads, just as the Senator has said, have so reduced their rates, and have insisted upon such an unfair division of rates, as virtually to put the line, especially about which we are talking, out of business.

Mr. BORAH. I would like to ask the Senator from Tennessee where the railroads have thus reduced their rates?

Mr. McKELLAR. Only when they come in competition with these river lines, which they want to destroy.

Mr. BORAH. Where is that?

Mr. McKELLAR. That is on the Warrior River especially.

Mr. UNDERWOOD. I will say to the Senator that, of course, they destroyed water competition a decade or two ago. They destroyed it down the Ohio, they destroyed it down the Mississippi, they destroyed it down the Warrior, and they accomplished that result along most of the great rivers of the Mississippi Valley. There is no question about that having been done in the past. They have not had to do it in recent years, and have not done it in recent years, because they had nobody to compete with except the Government.

Mr. BORAH. The time the rivers were carrying most of the freight was the time when we were spending the least amount of money on them.

Mr. UNDERWOOD. That may be true, because the railroads did not compete with them; they did not start this ruinous competition which the people of the hinterland had to pay for.

Mr. CARAWAY. Mr. President, I want to call the attention of the Senator from Alabama, and also of the Senator from Idaho, to the fact that recently the railroads actually reduced the freight rate on grain going down the river to New Orleans from the upper valley 5 cents a hundred, and the shippers are enjoying that cut now, getting more return by reason of that reduction in the rate than the amount of money to be appropriated in this bill for this purpose.

Mr. UNDERWOOD. There is no doubt about that. My friend from Idaho, whom I respect, and whom I always find is accurate where he has taken the trouble to investigate, of course lives among the mountain peaks. This question has not been next door to him, as it has been next door to us; and when our system of transportation in the valleys was destroyed, he was looking above those who live down in the valleys and did not see what was happening.

Mr. BORAH. I have seen the Senator all the time, and I always greatly admire him, but the reduction which the able

Senator from Arkansas has spoken of leads me to say that we had a reduction out West, where there are no rivers, to meet certain local conditions. I have been interested in water transportation ever since the building of the Panama Canal, and I have been trying to have passage of American ships through the Panama Canal made free. I have undertaken to familiarize myself with that subject, but I have been unable to find where of late the railroads have reduced their freight rates for the purpose of destroying water competition, and I do not believe any instance can be cited where that has been done for many, many years.

Mr. UNDERWOOD. I stated that the Senator was probably right in that statement as regards the last decade, although I think I could find instances; but the business was dead 10 years and more ago.

Mr. BORAH. It seems to have died after they began to feed it out of the United States Treasury.

Mr. CARAWAY. Let me give one illustration. I live 103 miles north of Helena, Ark., and because the railroad running near my town has no competition I could formerly ship from Helena to St. Louis for just about half as much as I could ship from my town, because they have the river competition into Helena.

Mr. BORAH. We come back to the question, Where is the Interstate Commerce Commission?

Mr. CARAWAY. It is down here on Pennsylvania Avenue and Eighteenth Street; but I do not want to be facetious—

Mr. UNDERWOOD. If the Senator will allow me, I do not want to interrupt him, but I think sometimes the Interstate Commerce Commission is living in the mountains and can not see us in the valleys.

Mr. BORAH. I want to say to the Senator that if he lived out in the mountain region he would think differently.

Mr. CARAWAY. I am not speaking about the policy of the commission; but there was a recognized right of the railroads to meet what they called water competition. It was legal, under the ruling of the commission, up to within a comparatively few years, and if one imagines there was not such competition, he ought to go and compare the rates on the railroad and on the river. The water rates were approximately 50 per cent of the rail rates. The gentleman sitting to my right lives on the White River. We improved the White River for a short distance, and then they built a line of railroad right alongside it, and operated the railroad absolutely at a loss all the time until they destroyed the last bit of water competition.

Mr. UNDERWOOD. I know the Senator from Idaho is perfectly sincere in what he says, but he simply does not know the facts. What the Senator from Arkansas has said I know to be true. I know it is true in my State. There is not a man who lives in the Mississippi Valley along these rivers who does not know that the railroads have deliberately gone out to destroy water competition, and largely because Congress has permitted it.

Mr. BORAH. Mr. President, we can not escape the fact, then, that the Interstate Commerce Commission has connived at the crime.

Mr. UNDERWOOD. I am not willing to give the Interstate Commerce Commission an entire acquittal. I do not say that they are entirely to blame; I think some of the blame lies at our own doors. At any rate, I think there was no justification for it, but I am not willing to abandon these water routes because either the Congress or the Interstate Commerce Commission has been derelict in its duty to the American people in seeing that they are protected against this unjust and unfair competition, and the natural, cheap means of transportation of their products to the sea has been destroyed.

What I rose to say was this, and I say it in all good part: That since I have been in Congress I have continually listened to attacks from gentlemen coming from the great mountain country on the rivers of the country and appropriations for their improvement. I think the first thing I ever heard sung in the House of Representatives was an attack because of "macadamizing" creeks in the Mississippi Valley.

There may have been a time when unwarranted appropriations were made, but everybody knows that for the last decade appropriations do not get into these bills until they have been carefully supervised by the engineers of the United States Government, who have no personal interest in them, and when money has been expended on river and harbor projects it has brought a depth of water that actually justified transportation if the ships were allowed to run.

The men who come from the Mississippi Valley, as I do, have never made war on the great mountain regions of the West. I sat on the Committee on Irrigation in the House of Representatives, when it was equally divided, at the time the great irriga-

tion bill was reported to the House. That bill came out of the committee by one vote; and if I had cast my vote the other way it would not have been reported, but I voted for it. When it came into the House of Representatives to be made a law, practically the entire membership from the South, men who lived in the Mississippi Valley cast their votes in favor of the bill and made it a law, and gave that great western country a chance to grow and develop.

Whenever the great West has appealed to the South on a fair, economic question involving their growth and development, they have found our people standing with them; and yet every time this question has come up, the most vital question to us, a question of ultimate cheap transportation for the products of our fields to the market and the world's market, where we have to compete with the competition of the world, I find that the men who have called for our help are the first to denounce and attempt to destroy the one feature concerning us to be found in these bills of vital economic importance to us. Where are the appropriations that amount to anything that go South outside of this one item? Where are they spent? I do not mean the appropriations made in war times, because we built some camps there then; but ordinarily where do they go?

Mr. LENROOT. May I ask the Senator what appropriations go to the North any more than go to the South?

Mr. UNDERWOOD. I am not criticizing their going to the North.

Mr. LENROOT. But what appropriations do go to the North that do not equally affect the South?

Mr. UNDERWOOD. But they are not spent in the South and the South is not benefited. Most of them do not go to the Senator's part of the country any more than they go to mine, but they go to the North. The only great appropriation that we get in the Southland that is of vital importance to the economic question involved for our people, and it is an important question, is the one we are discussing now. We are not asking to compete with the North. We are asking that the door may be opened for us to get to the sea, but every time we ask it and the proposition comes here in a bill we are challenged at the door by men who ask our help and to whom we have been giving help for many years in their own economic questions.

I do not see the justice of it. I think when the engineers make an estimate of this kind, and when it is for the development of the rivers, that we are entitled to have it retained in the bill, that it should not be thrown out of the bill simply because somebody says freight is not moving on the rivers when we know why it is not moving there. It is because we have allowed competition coming from the great railroad lines of the country to destroy our water transportation. I think the thing Congress should do, instead of criticizing the development of our rivers, is to correct the law so the barge lines and steamboats may live on the rivers in the future.

Mr. WILLIAMS. Mr. President, Clark, who was president of the old Illinois Central, said the physical configuration of the country was such that if one started a barrel of flour from St. Paul it would roll to the Gulf of Mexico. Of course, there are obstructions here and there that would do away with that theory, but undoubtedly New Orleans has been placed just where it ought to have been, the great export point of the United States for grain and meats and agricultural products. There flow to it the Missouri, the Mississippi, the Ohio, the Allegheny, the Monongahela, the Tennessee, the Cumberland, all the rivers that compose the great valley, and yet the commerce upon the great Mississippi River does not compare with that upon the Rhine in Germany. I want to direct a few minutes to pointing out why.

Bismarck had a great many faults, but his worst enemy never accused him of being a fool. When they came to the question of competition between the railroads and the Rhine and the other rivers that pass through Germany into the German Sea or into the Baltic, Bismarck always insisted that the rivers should carry their share of commerce. He said that result could be achieved by simply not discriminating against them. That was all that was necessary. So, as a matter of fact, in 1914, when the Great War began, the Rhine was carrying the iron ore, the coal, the lumber, and all the heavy materials, and was doing an infinitely large business. Although there were railroads on each side of the Rhine, they were not congested. The waterways naturally took the heavy stuff with the cheap freight rates, where expedition of delivery was not a point or the main point even to be considered, while the railroads took the other things.

Now, what has happened here?

Mr. BORAH. Mr. President, may I ask the Senator a question?

Mr. WILLIAMS. Certainly.

Mr. BORAH. The river of which the Senator speaks runs in the direction in which the railroads run. But suppose the Senator wanted to get some freight from Pittsburgh, Pa., to Portland, Oreg., how would he get it there upon the same theory?

Mr. WILLIAMS. It could not be done; but I am not contending that it should be done. However, it has nothing to do with the proposition.

So much for the German history of great river traffic. Now, let me come to the American history of it. This time it is the Mississippi River. The gentleman from Texas, or a Member of the House of Representatives, who had been Postmaster General of the Confederacy, sent over to the Senate the Reagan bill establishing the Interstate Commerce Commission or a national railroad commission. One of the provisions in that bill was that under no circumstances should a higher charge be made for a short haul—this is answering the Senator's question—than for a longer haul in the same direction. Then when the bill got over here, that inimitable legislator, John Sherman, of Ohio, got an amendment upon the bill and put in the seemingly innocent words "under similar circumstances" or "under similar conditions." I have forgotten the exact language; I think it was "similar circumstances," but it may have been "similar conditions."

Thereupon the Interstate Commerce Commission ruled that notwithstanding the long-and-short-haul provision, the principle of the ethics of business was that a railroad had a right to compete with a waterway and charge less without reducing its intermediate freight rates, and the consequence was that they could charge a railway rate from St. Paul to Vicksburg, Miss., or to New Orleans to compete with the river rates, although every individual shipment competing with the river rates was a loss so far as it itself was concerned. The only way in which the railroads made money out of it was that it kept up their general business, and as the haul was so long and there was no interference with it along the route they could charge almost any freight rate provided they did not reduce the freight rates between intermediate points on hauls in the same direction.

Then I and some others began—or rather, I should have said, when some others and I began, because they began at an earlier time and contributed much more to it—to endeavor to deprive the Interstate Commerce Commission of the power to enable the railroad to cut its rates wherever it struck a river while it did not cut intermediate rates or rates for equal distances to points that did not strike a river. Finally an amendment to that effect was adopted in the House. It came over here and was amended then by leaving it to the discretion of the Interstate Commerce Commission. The Interstate Commerce Commission has exercised its discretion in favor of the railroads and against the rivers all the time.

Now nobody has demanded any discrimination. All we are demanding is that nature shall take its course, and that the advantage which nature has given to certain places shall not be destroyed by artificial legislation. Notwithstanding all that discrimination, in spite of all this discrimination New Orleans is to-day the second largest port of export in the United States, showing what nature would have done if legislation had not interfered. According to old Clark's theory, a barrel of flour started at St. Paul would roll to the Gulf, or come mightily near it, and if it were started from Cincinnati or Pittsburgh, on the other side to the east, it would pretty nearly roll to the Gulf, and started at the headwaters of the Missouri it would pretty nearly roll to the Gulf, and started down the Red below it would roll pretty close to some point on the Gulf, and started down the Pearl or the Lee it would roll to the Gulf, though, of course, not to New Orleans.

Here is this great, remarkable fan of waterways stretching from the Rocky Mountains on the one side to the top of the Alleghenies on the other, narrowing more and more as it goes southward until when we get to New Orleans it is a very narrow place. The Leaf and the Pearl flow directly into the Gulf on the one side of a small ridge, not a very high ridge, and other streams, the Sabine and others, flow into the Gulf on the west side of another not very high ridge. But as a whole it starts like the points of a great fan and comes down, narrowing as it comes, but it brings the water from the Rockies and the Alleghenies and empties it through a funnel into the lower part of the Mississippi Valley.

We have interfered with it so that it has nearly crippled what ought to be the great ocean bearing auxiliary of America, the great ocean's first assistant in the commerce of these United States. We have not been able to do it completely, because New Orleans is second as an export point, but we have done a great deal toward doing it.

Now, if we had obeyed a wise policy, such as was followed in Germany, two things would have occurred. First, the north and south railways would not have been congested with freight to such an extent that it would take from 10 to 15 days to carry a carload of freight from New York down to Mobile, to New Orleans, to Galveston, to almost any point on the Gulf coast. So we have crippled the railways somewhat as commerce feeders, and we have deprived the river of the burden of its commerce. We have done both. I remember that James J. Hill, the great railway man, said that if some one came to him with an offer that he should deliver 50 carloads of freight from New Orleans to New York within 25 days he would be compelled to refuse it if he had the management of every line that would handle the freight.

Why was that? It was because we had allowed the railroads to make a discrimination against the intermediate points in favor of river points and water points by charging less than the cost of the haul, and we have thereby congested them while we have emasculated the river. Now, suppose we quit both. Give a chance to nature to assert itself. That is not claiming any discrimination. When people have a natural advantage they ought to be allowed to enjoy it. Legislation ought not to destroy a natural advantage, wherever it may be. If we should simply make the rule that wherever a railroad charges a certain rate from one point to another it shall charge no higher rate of freight from the first point to any intermediate point than it charges to the other, that would be a wise rule.

What has been the result of a whole lot of this action on our part? I remember the time when it was solemnly asserted and alleged, and affidavits were made to support it, and I suppose it was true, that it paid men to ship freight from New York to San Francisco, a water point, and then ship it back to Helena, Mont., rather than to ship it from New York to Helena direct. They said that was true. I do not know whether it was or not. I never went fully into the question, but I read the evidence. There were affidavits, and people with tolerable good repute swore to them, to the effect that people would absolutely have their goods shipped from New York to San Francisco and then shipped back to Helena, Mont., and get a much cheaper rate than if they had shipped direct from New York to Helena.

Then some of them conceived the idea that they would be bright and smart and Yankee-like sharp and English and Scotch like sharp in business; and so they would get a permit to take the freight off en route at Helena. But then, lo and behold, it was decided that that was a fraud, and they could not do it; that the freight had to be carried bodily all the way to San Francisco and be brought bodily all the way back. It is absurd that a man could not be allowed to take his freight off in transitu when the shipper and he had agreed, because by doing so they would break up the great bunko railroad game which was playing the shipper for all he was worth.

Mr. GOODING. I am quite sure the Senator is stating the facts in connection with the matter. Not only did that happen as to Helena but it also happened in practically all of the interior States of the West.

Mr. WILLIAMS. At any rate, from my cursory reading of the testimony I believed it at the time to be true. I do not know, however, and I do not wish to vouch for anything I do not know.

Mr. LENROOT. Mr. President, I have no doubt that things have been done by the railroads in order to destroy water competition exactly as has been alleged upon this floor; but the fault for the disappearance of water-borne commerce upon many of the rivers of this country has not been altogether that of the railroads. It seems to me so plain that every Senator must recognize it, that one of the reasons for the decline of traffic upon the Missouri and the Mississippi Rivers, for instance, is the fact that in the days when there was a great volume of commerce on those rivers there was no other way by which products could be carried either up or down in that territory; there were no railroads. Then, when the railroads came, rail transportation became cheaper than any possible water transportation where the haul was very short, where the shipment originated inland, and not upon a river point, and where the destination was not upon the water but inland. In other words, where there has to be a shipment by rail to a water point, a short haul by water, and the goods then have to be unloaded and again shipped by railroad cars, in such a case there can be no economy in water transportation.

Mr. UNDERWOOD. Mr. President, if the Senator will allow me, I merely wish to call his attention to the fact that goods shipped from New York to the city of Birmingham, Ala., coming to Mobile, there transferred to barge lines, and then

again transferred to the railroad at Tuscaloosa, and thence to Birmingham, are carried at a cheaper freight rate than the all-rail freight rate. That is not a theory. A great deal of the goods that go into the stores of the merchants of Birmingham come by water on the Mallory Line steamships to Mobile, and up the Warrior River into Birmingham by way of Tuscaloosa; so that, although the Senator from Wisconsin may be correct in regard to some matters about which I do not know, I do know that he is incorrect in reference to this particular matter.

Mr. LENROOT. What the Senator from Alabama has stated might have happened in a particular case; but does the Senator dispute my contention as an economic proposition? I was only stating it as an economic proposition.

Mr. UNDERWOOD. Of course, there are a great many elements involved. I think that under some circumstances the Senator's statement may be true, but under other circumstances it would not be. Now I will give the Senator an illustration.

Mr. WILLIAMS. What was the statement of the Senator from Wisconsin?

Mr. UNDERWOOD. The Senator from Wisconsin said that freight might be hauled by water cheaper when it was not transferred to railroads, but that when there was an intermediate transfer to railroads the all-rail rate was cheaper.

Mr. LENROOT. I stated when there was a short haul by water.

Mr. UNDERWOOD. In the case of a short haul by water. Of course, it depends upon the length or shortness of the haul.

Mr. LENROOT. That is the point. I was just about to complete my statement. There must be a long enough haul by water so that the cheaper water transportation upon that part of it will more than absorb the extra handling charge involved in the intermediate rail shipments.

Mr. UNDERWOOD. Of course.

Mr. WILLIAMS. That is true.

Mr. UNDERWOOD. The proposition about which I am talking involves a comparatively long haul. I wish, by way of illustration, to cite another instance, though, it is true, a pretty long water haul is involved. The greatest movement of freight of which I know in this country is the transfer of iron ore from the State of the Senator from Wisconsin and from Minnesota to the furnaces in Pittsburgh. That movement starts with a short railroad haul, then the freight goes across the Great Lakes; it is then unloaded and goes by rail to Pittsburgh. It is transported twice by rail and once by water and, of course, has got to be unloaded and reloaded at each transfer. That instance demonstrates that such transportation may be done and is successfully done. More than that, the Pittsburgh furnaces could not use that ore if they did not have the advantage of the water transportation.

Mr. LENROOT. That is a perfect illustration of the very point that I am trying to make.

Mr. GOODING. Mr. President—

Mr. LENROOT. I will yield in just a moment.

Water transportation upon the Lakes has been so successful and the railroads have not been able to crush transportation upon the Lakes because the economies have been so great that the railroads could not do it; but the haul is long enough so as much more than to absorb the extra handling charge. Wherever that is true, and we can improve a river or a harbor at a reasonable cost, so that the additional charge is not merely paid out of the Public Treasury and eventually there is no saving at all—in all such cases we are justified in making such improvements.

Mr. UNDERWOOD. What I am arguing for to-day are the items in the pending bill which relate to the Mississippi River. Of course, so far as the Warrior River, to which I have referred, is concerned, that improvement has been completed and has been paid for; we are not asking for any appropriations for that; but we merely wish an opportunity to do business.

Mr. LENROOT. The Senator is rather anticipating some objections which he thinks I may make, but which, perhaps, he will find that I shall not make.

Mr. UNDERWOOD. As to water transportation, we have it by sea from New York to Mobile and for almost 300 miles from Mobile to Birmingham; while down the Mississippi and its tributaries there are 2,000 miles of water transportation.

Mr. BROUSSARD. Five thousand miles.

Mr. UNDERWOOD. The Senator from Louisiana says 5,000 miles, and I have no doubt he is correct, including the Mississippi and its tributaries. So that there is a long water haul. Of course, in the case of a very short haul, the Senator may be correct. We are not, however, pleading for that; we are pleading for an opportunity to vitalize water transportation in the very instance where the Senator himself admits that it may be developed.

Mr. LENROOT. If the Senator will allow me to develop the argument I was making, perhaps we shall not disagree. I perfectly agree that if we can upon the Mississippi River develop commerce to New Orleans on a long enough haul so as to absorb the extra costs of which I have spoken, then transportation over the Mississippi, with the proper regulation of railroad rates upon the part of the Government, will be a success; but we have got to have the long haul, and I think we must look for success on the Mississippi River principally to shipments through to New Orleans for foreign export. We can not expect any great commerce to be developed upon the Mississippi River at any point where the haul is only 100 miles or 200 miles or 300 miles along the river and then the goods have to be transported inland, coming in the first place by railroad to the initial point upon which the water shipment is made. That is why I am anxious to have the Mississippi River completed and put in the best possible condition from St. Louis to New Orleans. I want to see the Ohio River completed and put in the best possible condition so that there will be a completed channel to New Orleans. Then, I say that if that is not successful—and by successful I mean taking into consideration the cost each year to the Government of maintaining the river—then, it is simply absurd to expect any benefits from the improvement of the Missouri River or the upper Mississippi River. I think I have now made my point clear to the Senator from Alabama.

Mr. UNDERWOOD. Mr. President, I have no objection to the statement which the Senator makes in regard to that feature of the case, because I think he is correct. But we are not asking to have rivers "macadamized"; we are not asking to do an impossible thing; we are only asking for a fair chance for the development of a great natural resource that may be made profitable.

Mr. LENROOT. The trouble with the Senator is that he makes the assumption that it can be made profitable, but that has not yet been proven.

Mr. UNDERWOOD. It was profitable in the past before undue competition was put against it, and while, of course, the future must prove the fact, I can not do so; yet I have not a doubt in my mind that those rivers would be alive with barge lines and steamboats carrying the commerce of that great valley to the sea within a decade if the Congress would give them a chance.

Mr. LENROOT. I hope the Senator is correct, yet it must be noted that there has been practically a complete channel from St. Louis to New Orleans for a good many years, and the commerce has been very slow in developing. It has been impossible to get any private capital to engage in it, and the Government itself has been compelled to do it.

Mr. UNDERWOOD. I am not now speaking of the appropriation, but I am speaking of the undue and destructive competition that Congress or the Interstate Commerce Commission—one or the other—has invited as against these waterways.

Mr. LENROOT. I am speaking about what the Senator intimates, that there are no items in this bill that are in accord with the theory which I have just presented.

Mr. UNDERWOOD. I am not familiar with all the items, because this is a general appropriation and I have not given careful and detailed study to all the items. I assume they are correct, as they come here with the recommendation of the Government engineers.

Mr. LENROOT. I have just stated that I hope to see and I want to see the Mississippi a success, and I want to see the Ohio River a success.

Mr. GOODING. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. LENROOT. I yield.

Mr. GOODING. I should like to ask the Senator if he thinks there is any chance for water competition on our rivers so long as we permit a violation of the fourth section of the interstate commerce law? There are 12,000 violations of that law to-day where the railroads in this country have been permitted to charge more for a short haul than for a long haul. Surely there can not be any doubt in the mind of any Senator that such violations of the interstate commerce act have destroyed water transportation on our rivers. I do not care how much money may be spent for improving rivers, unless water transportation is protected through legislation it can not exist in America.

I wish to say further to the Senator that the railroads have not only destroyed transportation on the rivers, but they have destroyed coastwise transportation from the West. We are not permitted to ship freight from Portland or Seattle or San

Francisco to any extent at all, especially from the interior, because the railroads make the rate so high, two or three times on a mileage basis what the rates are in the East, that they force all of our farm products over the long haul to the eastern market. This policy of the railroads brings about a great congestion and shortage of cars everywhere when the farm products are moving to market. Through this policy of charging excessive freight rates for the short haul to the Pacific coast the people of my State are denied the use of the Pacific Ocean which God Almighty, no doubt, intended for the use of all the people.

These excessive freight rates of the West denied the people of my State the use of the Panama Canal which they were taxed to help build as well as the rest of the people.

Practically all of Idaho's farm products should be shipped to Portland to receive the benefit of water transportation and if we were given a reasonable freight rate, or anywhere near as cheap a freight rate to the West on a mileage basis as to the East, all of our wheat and many other farm products would receive the benefit of water transportation.

I introduced a bill some time in December denying the Interstate Commerce Commission the right to violate the fourth section of the interstate commerce act; but, unfortunately, the chairman of the Interstate Commerce Committee has been ill and there has been no hearing, and I do not suppose there will be one on this measure at this session, but until we change our laws so as to deny to the Interstate Commerce Commission the right to make these violations, all this money that we spend to improve our rivers is not wasted, of course, but to a large extent it will be impossible to develop anything like an adequate commerce.

Mr. LENROOT. Mr. President, I am not going into that question, although the Senator of course is familiar with the argument which has been made by the railroads affecting his own country, too; and I am not going to express any opinion on it, other than to say that the situation narrated by the Senator from Mississippi, where some years ago they charged the San Francisco rate plus the local rate back and then simply shipped the freight out from the East to that point, was absolutely indefensible. Of course, however, the Senator is familiar with the claim that is made, that where this lower rate has been granted by reason of water competition, it is upon the theory that the traffic would be lost entirely to the railroads; that it costs so much to maintain a railroad, its track and equipment, its section men and its overhead, and therefore it is no injury but a benefit to those who do live in the interior to permit a somewhat lower rate where water competition exists, so as to get the traffic, and enable that traffic to bear part of the cost of the overhead, although in itself it may not be profitable.

Mr. GOODING. Mr. President, I want to say to the Senator that we do not accept that claim in the West at all.

Mr. LENROOT. I know you do not.

Mr. GOODING. My people lost 10,000 carloads of potatoes this year because they were not given a freight rate that would enable them to move them to market. I saw wheat stacked up in the fields for three months because there was no transportation to carry it to market. We do not accept that theory at all.

Mr. LENROOT. I know the Senator does not, and I do not—

Mr. GOODING. The people of the West do not.

Mr. LENROOT. I do not accept it to the extent that the railroads have invoked it either; and yet I can see that to have an iron-clad rule practically putting the freight of this country upon a mileage basis might work to the injury of the very people of whom the Senator from Idaho speaks and whom he desires, of course, to benefit.

Mr. TOWNSEND. Mr. President—

Mr. LENROOT. I yield.

Mr. TOWNSEND. If the Senator will yield, there has been much discussion here to-day as to the status of the law relative to the so-called long and short haul. The Senator from Mississippi has practically stated correctly the history of the interstate commerce law in reference to the matter. I want to read for the RECORD, if the Senator will permit me, section 4 of the act of 1920, which was the last statement of the Congress relative to the law for handling freight on the long and short haul.

The act of 1920 amended section 4 of the interstate commerce law itself, and as amended the section reads as follows:

That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property, for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through

rate than the aggregate of the intermediate rates subject to the provisions of this act, but this shall not be construed as authorizing any common carrier within the terms of this act to charge or receive as great compensation for a shorter as for a longer distance: *Provided*, That upon application to the commission such common carrier may in special cases, after investigation, be authorized by the commission to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section; but in exercising the authority conferred upon it in this proviso the commission shall not permit the establishment of any charge to or from the more distant point that is not reasonably compensatory for the service performed; and if a circuitous rail line or route is, because of such circuitry, granted authority to meet the charges of a more direct line or route to or from competitive points and to maintain higher charges to or from intermediate points on its line, the authority shall not include intermediate points as to which the haul of the petitioning line or route is not longer than that of the direct line or route between the competitive points; and no such authorization shall be granted on account of merely potential water competition not actually in existence—

And so forth. That is the present law relative to the long and short haul.

Mr. LENROOT. Mr. President, in reply to the Senator I was about to state that since the passage of the Esch-Cummins law, if the commission performs its duty, there can be no such thing in the future as has been complained of this afternoon.

Mr. GOODING. Mr. President, will the Senator let me correct him?

Mr. LENROOT. Certainly. I said since the passage of the Esch-Cummins law.

Mr. GOODING. Within the last six months we have had a rate on wool from Portland to Boston of \$1.50 a hundred; from Shoshone, Idaho, 608 miles inland, nearer Boston, the rate has been \$2.81 a hundred; so that is a violation of the fourth section of the interstate commerce act, and that is within the last six months.

Mr. TOWNSEND. That can not be a violation of the section unless the \$1.50 rate is not compensatory in itself.

Mr. GOODING. Well, then, if \$1.50 is a compensatory rate, what is the \$2.81? It is robbery.

Mr. LENROOT. Of course, if the \$1.50 is compensatory to Boston, the other rate is too high and should be reduced by the commission. That is the answer, of course.

Mr. President, this being a general lump-sum appropriation, the Senator from Alabama took it for granted that there were no appropriations in this bill that if expended would not without question benefit navigation to a degree commensurate with the cost. I want to spend a moment on the Missouri River.

Of this \$56,000,000, \$1,500,000 will be spent upon the Missouri River—\$500,000 for maintenance, \$1,000,000 for improvement—and I am going to speak only of the maintenance item now. The commerce carried on the Missouri River last year, according to the table placed in the Record and according to the Engineer's Report, was 139,000 tons. That is practically \$4 a ton that the Government has contributed out of the Treasury of the United States to enable that amount of commerce to be carried by water. As a matter of fact, the major part of that 139,000 tons is sand and gravel, I am informed; but we have improved only a very small part of the Missouri River. The entire improvement will cost more than \$20,000,000; and on the small part that we have improved it is proposed to expend out of the estimate of one million and a half dollars \$225,000 for repairs to existing dikes and revetments.

When the entire \$20,000,000 is expended, and it is all diked and revetted, how much is it going to cost to maintain the Missouri River each year? According to these figures, it will cost not less than a million dollars a year to maintain that river after we have completed the improvement.

Suppose that the shippers do save a million dollars a year by reason of the commerce that will be carried on the Missouri River. Is the Government justified in making the improvement then unless there be a greater saving than that? Can anybody ask this Government to pay out of its Treasury a sum of money where the saving will not be greater than the amount that it has cost the taxpayers? I think that is a fair question; but so far as we can foresee now, Mr. President, the time probably will never come, or at least—I do not want to put it so strongly—certainly the time will not come within the next 10 years when there will be enough commerce on the Missouri River to justify a \$20,000,000 improvement project and \$1,000,000 maintenance each year.

On the Mississippi River we have a different proposition. The cost of maintenance is not nearly so great, and the commerce that will go down the Ohio River is of such magnitude, I believe, that we may hope for that being a success; but I repeat that if the Mississippi River and the Ohio River will

not be commercially successful, who is there that will predict that the Missouri River would be commercially successful?

The same thing is true of the upper Mississippi, in my own country. In this \$56,000,000 there is included an item of \$1,100,000 for the improvement of the upper Mississippi. I take exactly the same position with reference to that that I do with reference to the Missouri, although the upper Mississippi for several hundred miles runs along the borders of the State that I have the honor in part to represent. It will be time enough to put in these millions when we determine that the lower Mississippi is a commercially successful project; but until that time we had better save the money of the taxpayers, because the upper Mississippi River will not get worse, and if the improvement down below does not warrant the cost we shall have just thrown away our money upon the upper river.

Mr. CARAWAY. Mr. President, may I interrupt the Senator just a minute?

Mr. LENROOT. Yes.

Mr. CARAWAY. I notice that the upper Mississippi River, between the Missouri River and Minneapolis, carried last year 761,522 tons of freight, and yet we find it in this very situation, if I may read just one paragraph. I will take only a minute of the Senator's time.

Mr. LENROOT. All right.

Mr. CARAWAY. Last April there was to have been a barge line put on the upper Mississippi River between Minneapolis and St. Louis. In anticipation of this barge-line service the rail line paralleling the river between Minneapolis and St. Louis early this year, with the approval of the Interstate Commerce Commission, made a rate upon first-class freight of \$1.06½ per 100 pounds over a distance of 586 miles, while the rail rate from Minneapolis to Kansas City, over a more level country, a distance of 500 miles, was \$1.44. In anticipation of a possible competing line on the Mississippi, they cut the freight 40 cents a hundred.

Mr. LENROOT. Mr. President, I do not know whether the Senator objects to the reduction of freight rates or not. Under the law, they are not permitted to reduce rates below what is compensatory.

Mr. CARAWAY. I was just trying to show that instead of using the water, however, the railroads, knowing that the rate could be reduced, cut the rate.

Mr. LENROOT. That may be; only the answer is, it ought to be cut in the other portion of the country.

Mr. CARAWAY. I agree with the statement the Senator was making a minute ago, but I am showing that here are nearly 800,000 tons of freight carried on the upper Mississippi River despite these conditions.

Mr. LENROOT. Will the Senator inform the Senate as to the character of the commerce carried on the upper Mississippi River and the distance it is carried?

Mr. CARAWAY. I am sure I do not know.

Mr. LENROOT. The Senator will find that most of it is carried across the river by ferries at different points between cities. There is no appreciable commerce from St. Paul, the head of navigation, down the Mississippi River.

Mr. CARAWAY. All I know, of course, is the figures given by the engineers in their reports. I do not know the character of the freight.

Mr. LENROOT. I may say that I have in my possession—I have not them with me—resolutions passed by one of the considerable cities bordering on the Mississippi River asking that further money be not expended upon the Mississippi River unless and until a barge line is put upon the river that will produce commerce. It is of no benefit to any city in Wisconsin bordering upon the Mississippi River, except so far as the wages that the men get may be spent in the city, to have this improvement if no commerce is carried over the river.

Mr. CARAWAY. I was just calling the Senator's attention to the fact that the mere threat of putting a barge line on the Mississippi River reduced the freight from Minneapolis to St. Louis from \$1.44 a hundred to \$1.06½ a hundred.

Mr. LENROOT. Will the Senator state where he got that information?

Mr. CARAWAY. I am taking the information from a report filed by Mr. Newton of Missouri, who put it in the Record of January 20.

Mr. LENROOT. Is it his statement or the statement of the Board of Engineers?

Mr. CARAWAY. I am unable to answer that. He was giving a statement of actual conditions.

Mr. LENROOT. I would like to have the facts before I undertook to discuss it. Of course, the fact that a reduction might have gone into effect, and that previous to that time there was a promise to put a barge line on the river, might

have been a coincidence, or the barge line might have been the reason for the reduction.

Mr. CARAWAY. The real facts are that the freight rate from New Orleans to St. Louis is \$1.06½ for 580 miles paralleling the river. From Minneapolis to Kansas City, only 500 miles and over a more level route, the freight rate is \$1.44, which would, of course, leave no room for speculation as to why the rate was reduced along the river. It was to prevent the establishment of a barge line. It was to kill competition.

Mr. LENROOT. Again I say that if that rate is itself compensatory nobody can object, but if that rate is compensatory the rate west of Kansas City is more than compensatory and ought to be reduced.

Mr. CARAWAY. That is the point.

Mr. KING. Referring to the matter of the Mississippi River and the Missouri River, the Senator, in discussing some time ago the improvements upon the Mississippi River, made the statement—or I inferred from his statement—that additional improvements are needed on the Mississippi River to carry commerce. I want to ask the Senator, because he is more familiar with that than I am, why it is necessary to make improvements there for carrying commerce, even though the commerce might be greatly increased, when we take into account that in the forties and fifties and sixties and seventies the commerce upon the Mississippi River was very much greater, as I am advised, than it is now, and boats of considerable size plying up and down the river? There seemed to be no obstacles then to commerce, and very little, if any, sums were appropriated in the early days for canalization, for removing sand bars, or for improvements. The river itself was sufficiently large to carry the commerce, and if it was large enough to carry the commerce then, which was very much greater than the commerce now, why the necessity of millions and tens of millions of dollars of additional appropriations?

Mr. LENROOT. I think perhaps the Senator was not in the Chamber when I began my statement. I tried then to give the reason for the large commerce in the early days and the reason for the decline, the decline being in part due to the fact that the reduction of rates on railroads drove the commerce off the river and in part due to the fact that originally water was the only means by which commerce could be transported. In the early days there were no railroads; but if the origin of shipment is inland, away from the river, and the haul upon the river is a short haul and the destination is away from the river, it is actually cheaper to ship by rail than by water.

Mr. KING. I appreciate that, and I think I agree with the observation of the Senator, but the point I am trying to make is that if appropriations were made for improvement or maintenance, they were insignificant in amount measured by the appropriations for the past 20 or 30 years for improvements upon the Mississippi River, and if without appropriations for improvement or maintenance the volume of commerce which could be carried in those early days was in excess of that which is now carried why make additional improvements?

Mr. LENROOT. Because in the early days in point of tons the cost was very small indeed for each boat, but now the greater the draft the greater the tonnage of your barge, and the greater the tonnage of your barge the cheaper it can be operated. Of course, commerce can not be carried over a river with a 3-foot draft as cheaply as it can over a river with a 6-foot draft, and that is still more true of a river with a 9-foot draft. On the Great Lakes, with our tremendous commerce, I will say in passing that more commerce goes in and out of my own city of Superior, in connecting with Duluth, just across the way, than is handled, according to some of these tables, in all the so-called secondary rivers and harbors put together.

Mr. KING. Does the Senator mean that the boats which are now used upon the Mississippi River are so much larger than those which were used in the early days that they could not have been floated down the river in those days?

Mr. LENROOT. Certainly; in those early days they had a 2 or 3 foot draft.

Mr. KING. My understanding is that some of those boats carried considerable tonnage, and while the boats used now are larger and carry a greater tonnage, they are so constructed as not to require very deep water; they are flat-bottomed, in other words.

Mr. LENROOT. They are flat-bottomed. I want to spend a moment now upon the question as to what part of this \$56,000,000 will be used in the way of maintenance of some of our rivers, and the commerce that is carried on them. The hour is late, and I am going to refer to only a few.

Mr. WADSWORTH. I assume the Senator is going to refer to the projects which are mentioned in this report as finished, in a large measure?

Mr. LENROOT. I am going to refer only to those where the appropriation is made for maintenance. I am not going to discuss any item where the appropriation is for improvement. Take, for instance, the Pamlico and Tar Rivers, of North Carolina, where it is proposed to spend \$12,000 of this \$56,000,000 for maintenance of those streams, upon which in 1921 there was a commerce of 624 tons. In other words, we propose to expend out of the United States Treasury about \$20 a ton in this particular instance for the commerce that is carried over those rivers.

On the Red River, in Arkansas, it is proposed to expend \$100,000 in maintenance, a river upon which last year there were carried 13,000 tons; or it is proposed to spend about \$7.50 a ton out of the United States Treasury for the commerce that is carried over that river.

There is a river in Florida, the name of which I can not pronounce, upon which it is proposed to expend \$90,000, as I read it, for maintenance, upon which 5,000 tons of commerce were carried last year.

I wish that every Senator would read this table, and especially these items for maintenance, and the figures of the commerce carried upon the rivers, and see what it is costing out of the United States Treasury to carry a few hundred or a few thousand tons of commerce upon some of the rivers.

When one objects to that, surely it can not be said that he is an enemy to the improvement of our rivers and other waterways. Indeed, the public sentiment against proper expenditures—expenditures which will clearly be beneficial to the public—has been caused by Congress being willing in some cases to have money taken out of the Treasury the expenditure of which never can be justified from the standpoint of the benefits conferred upon commerce thereby.

I do not think we ought to confine ourselves to the Budget estimate of \$27,000,000 for next year, and I want to say that while I have stood and shall continue to stand by the Budget, I have never taken the position that, so far as Congress itself is concerned, Congress is without power or without right to increase an estimate made by the Budget. Our committee have done it in a number of instances at this session; but there should be the strongest reason, it seems to me, for so doing, and there ought to be a full investigation before it is done.

I do not think it is necessary that we should appropriate \$56,000,000 for the purposes of this river and harbor work. I believe that could be cut down without any injury to any legitimate project now authorized by law, but I am afraid that the Budget officer forgot for the moment that last year we authorized 35 new projects, and that those projects were projects of the utmost importance, as certified by the Board of Engineers, most of them more important than the vast majority of old projects in the pending bill. It is proposed to spend \$13,000,000, in round numbers, upon those new projects. We appropriated \$42,000,000 last year without any of these new projects. So, Mr. President, if those new projects are to be commenced and many of them completed within the year, assuming that \$13,000,000 is spent on the 35 important and urgent projects, it would leave only \$14,000,000 for maintenance and for carrying on the work on projects existing before the passage of the last law; and that sum is too small.

I shall propose as an amendment to the amendment to strike out "\$27,000,000" and insert in lieu thereof "\$42,000,000." I believe that will permit cutting out of the bill items which can not be defended, and for which I do not blame the engineers—Congress is to blame, not they—and at the same time afford ample funds for the carrying on of the projects which are necessary for commerce and can clearly be justified.

The PRESIDING OFFICER (Mr. Moses in the chair). Will the Senator state his amendment to the amendment for the benefit of the Chair?

Mr. LENROOT. I move to strike out "\$27,000,000" and to insert "\$42,000,000."

Mr. KING. Will the Senator yield?

Mr. LENROOT. I yield.

Mr. KING. The Senator stated in his concluding sentence that for the recommendations of the engineers he did not blame them. In view of the items to which he has directed attention, and numerous other items which are just as reprehensible and just as indefensible, I ask the Senator how he can justify the conduct of the engineers in recommending appropriations for those items? Furthermore, how can he justify the action of the engineers in recommending 35 new projects for which provision is made in the bill? How can he justify the recommendation of the engineers for 165 new projects, many of which are as lacking in merit as any of the projects to which the Senator has called the attention of the Senate.

Mr. LENROOT. In reply I will say, first, that the Senator has observed that I have not attempted to defend the engineers in their original recommendations, but after Congress has once adopted the recommendations for improvement and maintenance thereafter, then the engineers are justified in assuming that it is a policy which has been adopted by Congress, and that they should make such estimates as are necessary to carry out the policy once adopted.

With reference to new projects, I may say that I am a member of the Committee on Commerce. We went carefully into every one of the 35 proposed projects. I think, out of something like 200, every one of the 35 which have been recommended is very urgent in character, that they are necessary; but as to the 106, or whatever the number may be, I wish to say frankly to the Senator from Utah that, as a member of the Committee on Commerce, I shall not be ready to vote for the authorization of those projects unless there be a showing that will clearly justify them.

Mr. KING. As I recall, one of the 35 projects on which the Senator now places the seal of his approval is Jamaica Bay, which has a few tons of freight, local in character. There are a few buildings upon the bay, so called. The freight was hauled from there, and a wharf was erected by the manufacturers who have little plants there. It would cost in the neighborhood of \$11,000,000 to \$12,000,000, as I recall. Does the Senator indorse that project?

Mr. LENROOT. The Senator from New York [Mr. WADSWORTH] is amply able to take care of that, but let me give the Senator an illustration. I refer to my home city—

Mr. KING. Now the Senator—

Mr. LENROOT. Just a moment; because I am going to draw a parallel.

Mr. KING. But the Senator is not answering my question.

Mr. LENROOT. I am going to answer the Senator's question. My home city of Superior and the city of Duluth have a commerce to-day of 30,000,000 tons a year. The Government has expended some four or five million dollars there, and if it were not for the improvement made by the Government and by the two cities, instead of 30,000,000 tons of commerce a year there would not be 100,000 tons, because there would be no harbor there. Exactly the same thing is true, as the committee were convinced, of Jamaica Bay. There is a great congestion of commerce in the port of New York, and here is a bay which, when improved, as certainly as the sun shines when there are no clouds, will be immediately used for docks and shipping facilities. That is the consideration which actuated the committee. Perhaps the committee were wrong, but in that case the fact that there was no commerce had no bearing any more than we should say that we will not improve the Ohio River because there is no commerce upon it.

I am making a distinction, if the Senator pleases, between a river or a harbor that has never been improved and improvement will bring commerce upon it, and the maintenance of a river where the improvement is either complete or no improvement is contemplated. The Senator must perceive very clearly the distinction.

Mr. CARAWAY. If the argument of the Senator from Utah were sound and there had been no improvement in the great New York Harbor, there would still have been very little commerce there.

Mr. LENROOT. That is true, of course.

Mr. KING. I would like to ask the Senator from Wisconsin, speaking of his own city of Duluth—

Mr. LENROOT. Superior.

Mr. KING. Superior? I had in mind Proctor Knott's great tribute to Duluth, so that it overshadowed Superior or any of the cities in the Senator's State.

Mr. LENROOT. It did then.

Mr. KING. The fame of Duluth still lives and the glory of Superior is not yet comprehended.

Mr. LENROOT. Not yet brought to its fulfillment, but comprehended.

Mr. KING. That is beside the mark. I was about to ask the Senator if he thinks there is some duty and responsibility resting upon municipalities that are favorably situated upon harbors, and some duty and responsibility on some States within which the harbors are found, to make appropriations and development in order to improve the commerce, the riches, and the prosperity of the State, or must the Federal Government improve all the harbors?

Mr. LENROOT. I would say that where the commerce either originates in a local point or is consumed in the local point, that is true to a very large extent. Where a port is a gateway, where many millions of peoples are the beneficiaries of

improvements, certainly the Senator would not say that the local municipality should bear any considerable portion of the cost.

Mr. KING. I am making no comment upon that. I was getting the Senator's view.

Mr. LENROOT. I say that where the benefit is fully local the community should bear a part of the cost, but where the benefit is for the people at large or for a vast territory it would be very unfair to have the local community bear any substantial portion of it.

Mr. KING. The Senator feels that under the power of the Federal Government to regulate commerce is implied the authority, if not the duty, or perhaps both, to expend millions of dollars taken from the taxpayers of the United States to improve rivers and harbors, to expend millions thereon, particularly, if the commerce is not local in the sense in which the Senator used the term "local."

Mr. LENROOT. Of course, the Senator remembers that for many years in the history of our Government the party of which he is a distinguished member took the position and made an issue of it that internal improvements were in violation of the Constitution. But the Senator also knows that he is very lonesome in his own party now, where rivers and harbors improvements are involved, to urge the unconstitutionality of internal improvements of that character.

Mr. KING. I am not only lonesome in regard to that question but I find that I am sometimes quite lonesome with respect to other questions which involve the rights of the States as against the new federalism which has become such a menace, in my view, to the proper individualism and the proper development of the States and the proper assertion of the rights of local self-government.

But before the Senator takes his seat, if I may further impose upon his patience, some observations were made the other day by the Senator from Idaho [Mr. BORAH] and, as I recall, the Senator from Wisconsin took some part in the discussion, relating to the policy of putting upon the War Department appropriation bill items of appropriations for rivers and harbors. I made some suggestions as to a remedy so as to prevent what was conceded, by some Senators at least, to be a very unwise procedure.

I ask the Senator now if it would not be a wise and proper course for the Senate to strike out the entire appropriation for rivers and harbors, for the purpose of—I will not say of compelling, because I do not wish to use that expression with respect to the distinguished branch of Congress at the other end of the Capitol—but for the purpose of persuading the House of Representatives to adopt a different policy and to send us a river and harbor bill as such, not as a part of the Army appropriation bill, or a part of the naval appropriation bill, or the part of any other bill, so that the question of the amount that shall be expended for rivers and harbors may be discussed and passed upon on its own merits and not have it linked with some other bill.

The statement was made that perhaps the President of the United States would feel compelled to sign this bill, though it was understood he is opposed to the increase above the recommendations of the Budget Bureau. Does the Senator think that now is the time for the Senate to outline such a policy and to assert its right to consider a bill of such magnitude and character by itself instead of having it a part of another measure?

Mr. LENROOT. If I were anxious that Congress be called back here after the 4th of March in special session, I might be inclined to agree with the Senator; but I am not. The Senator has been a Member of the House of Representatives, as I have, and he knows how persuasive, as he puts it, such action upon the part of the Senate would be, and how little influence it would have with the end of the session about three weeks away. This is not the time to make the effort. I hope that something can be done at the next session of Congress, and perhaps it can be done through the Congress, so that the same committees may still have jurisdiction of the matter, but report a separate river and harbor bill.

Mr. KING. If I may be pardoned for the expression of a view a little at variance with that of the able Senator, the House of Representatives is in control of the Republican Party, as is the Senate. The House of Representatives knows, and the majority Members in the House know, that an Army appropriation bill is imperatively required. I can not believe, and I think the Senator will agree with me, that the majority Members would adopt a policy that would defeat the Army appropriation bill, particularly when they know that by the excision of this item from the bill it would perhaps meet the approval

of the distinguished President of the United States, the great leader of the Republican Party. They know, furthermore, that there is ample time for them to take up a rivers and harbors bill and to put it through the House of Representatives as a separate measure, bring it to the Senate, and that the Senate would have opportunity to consider it and to pass it, and it could be passed in this body, and would be passed in this body, before the end of the session.

Mr. LENROOT. I will give the Senator my opinion for whatever it may be worth. Even if the conference committee or the Committee on Appropriations should be willing to agree to have this part of the bill stricken out and a new bill introduced, and if all the Republican leaders in the House of Representatives should so agree, it is my opinion that there would still be enough Republicans with an almost solid Democratic vote against the proposition which the Senator urges, so that it would be defeated. The Senator is not unaware, as I am, that there is some politics in a rivers and harbors bill.

Mr. KING. I have such confidence in the patriotism of Republicans, both in the House and in the Senate, that I feel sure that those in the House would yield to such wise and patriotic action and would segregate the two bills and would send back within a very few days a rivers and harbors bill. I am sure there are sufficient Republicans in the Senate to join in speedily passing such a bill.

Mr. LENROOT. I think we will have something of an indication of the sentiment of the Senate in that respect when we come to vote upon the pending amendment to see whether they are willing to reduce the amount at all. If the Senate is not willing to make any reduction, the Senator from Utah will agree with me that it would be utterly useless to attempt to strike out the item entirely.

Mr. KING. Except as a question of precedent. It seems to me that we are now committing ourselves to a policy that will be a sort of chain upon us in the future and may bind us at a time when it will be exceedingly irksome and when we will feel serious embarrassment.

Mr. LENROOT. This is not the first bill. This was done last year. So this is not making a precedent.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Wisconsin [Mr. LENROOT] to the amendment proposed by the Senator from Idaho [Mr. BORAH].

Mr. KING. I suggest the absence of a quorum.

Mr. LENROOT. A parliamentary inquiry. Did the Senator from Idaho call for the yeas and nays upon his amendment?

The PRESIDING OFFICER. He did.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. The Senator from Utah [Mr. KING] has suggested the absence of a quorum.

Mr. KING. I withhold the suggestion for one moment. I wish to ask the Senator from New York, if a vote is now taken upon the amendment offered by the Senator from Wisconsin, if it is then his purpose to permit us to adjourn until to-morrow?

Mr. WADSWORTH. I had hoped that we should vote this evening on the amendment offered by the Senator from Wisconsin and, in the event of the adoption or defeat of that amendment, that we might vote on the so-called Borah amendment. If that shall be done, I am willing to conclude the session for the day.

Mr. UNDERWOOD. I am hopeful that the Senate may at least dispose of this item to-night.

Mr. KING. We can not do that.

Mr. WADSWORTH. I am perfectly willing to do that, but I am beginning to despair.

Mr. UNDERWOOD. So far as I am concerned, I myself spoke this afternoon for an hour, trespassing upon the time of the Senate, which is unusual, because I felt the importance of the matter; but I think this item should be disposed of.

Mr. WADSWORTH. I think it should be disposed of before we take a recess to-day.

Mr. UNDERWOOD. And I hope the Senator will hold the Senate here until this particular item in the bill shall have been disposed of.

Mr. WADSWORTH. It is my intention, if the Senate will stand for it, to hold the Senate here so long as it is possible to do so.

Mr. UNDERWOOD. So far as I am personally concerned, I am willing that that shall be done.

Mr. KING. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McKellar	Spencer
Bayard	Glass	McKinley	Stanfield
Brookhart	Gooding	McNary	Stanley
Broussard	Harrell	Moses	Sterling
Bursum	Harrison	Nelson	Sutherland
Calder	Heflin	New	Swanson
Cameron	Johnson	Norbeck	Townsend
Capper	Jones, N. Mex.	Norris	Trammell
Caraway	Kendrick	Oddie	Underwood
Colt	Keyes	Overman	Wadsworth
Dial	King	Pepper	Walsh, Mass.
Fernald	Ladd	Polindexter	Warren
Fletcher	Lenroot	Reed, Pa.	Williams
Frelinghuysen	Lodge	Sheppard	Willis
George	McCormick	Shields	

Mr. LODGE. I desire to announce that the Senator from Kansas [Mr. CURTIS] is necessarily absent on official business.

Mr. BROOKHART. I wish to repeat the statement that the Senator from Wisconsin [Mr. LA FOLLETTE] is necessarily absent on business of the Senate.

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. A quorum is present.

Mr. CALDER. I ask unanimous consent to have printed in the RECORD a telegram from the president of the Chamber of Commerce of Brooklyn, N. Y., urging that the appropriation recommended by the Committee on Appropriations be agreed to by the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The telegram referred to is as follows:

BROOKLYN, N. Y., January 29, 1923.

WILLIAM M. CALDER,
Washington, D. C.:

We urge you to vote for the rivers and harbors appropriation in the interest of the Jamaica Bay development. The members of the Brooklyn Chamber of Commerce are solidly behind this project, and we urge you to give it your support.

ARTHUR S. SOMMERS, President.

Mr. CALDER. Mr. President, I also present a letter from the chairman of the Port of New York Authority, which, I may say, was established by compact between the States of New York and New Jersey, and its membership is made up of citizens of both States. I ask that the letter may be read.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Secretary will read as requested.

The reading clerk read as follows:

THE PORT OF NEW YORK AUTHORITY,
New York, February 5, 1923.

Hon. WM. M. CALDER,
Senate Office Building, Washington, D. C.

DEAR SENATOR CALDER: The Port Authority has been somewhat concerned at the recommendations of the Director of the Budget for a cut of practically 50 per cent in the amount recommended by the Chief of Engineers for development and maintenance of rivers and harbors.

We are fully aware of the public demand and necessity for care and economy in Federal expenditures, but we believe it would be a false economy to cut those expenditures which are directly necessary in the provision for and promotion of productive enterprise.

We can, of course, only express a positive opinion about those items with which we are familiar, which are the ones relating to maintenance and construction of channels in the waters which constitute the port of New York district. We are familiar with the careful study and conservative judgment evidenced by the Board of Army Engineers for Rivers and Harbors in this district in arriving at their judgment as to the sums that could be profitably expended in this district during the fiscal year ending June 30, 1924.

We not only heartily concur in those recommendations but we believe the expenditures essentially necessary in the interests of the commerce of the Nation being handled at and through this port and to the needs of the communities directly affected lying within the port district.

The expenditures recommended by the Chief of Engineers to be made in the port of New York will contribute both to productive enterprise and to economies in the handling of commerce to a degree far more than necessary to justify the expenditures as recommended.

Yours very truly,

E. H. OUTERBRIDGE, Chairman.

The PRESIDING OFFICER. The question is upon agreeing to the amendment offered by the Senator from Wisconsin [Mr. LENROOT] to the amendment proposed by the Senator from Idaho [Mr. BORAH].

Mr. FLETCHER. I ask that the Secretary state the amendment to the amendment.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The READING CLERK. The Senator from Idaho proposes to strike out "\$56,589,910" and to insert in lieu thereof "\$27,000,000." To that amendment the Senator from Wisconsin proposes an amendment to strike out "\$27,000,000" and insert "\$42,000,000."

Mr. FLETCHER. I ask for the yeas and nays.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. KING. If the amendment offered by the Senator from Wisconsin shall prevail, would that defeat a vote upon the amendment offered by the Senator from Idaho?

The PRESIDING OFFICER. The question then would recur upon the amendment offered by the Senator from Idaho as amended by the amendment of the Senator from Wisconsin.

Mr. McKELLAR. I inquire if the yeas and nays have been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered upon the amendment proposed by the Senator from Wisconsin to the amendment of the Senator from Idaho.

Mr. McKELLAR. I ask for the yeas and nays.

Mr. WADSWORTH. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. NORRIS obtained the floor.

Mr. UNDERWOOD. Mr. President, as I understand, if the pending amendment—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. I yield to the Senator.

Mr. UNDERWOOD. I beg the Senator's pardon; I was not aware that he had taken the floor. I merely wish to ask a question. If the amendment proposed by the Senator from Wisconsin to the amendment offered by the Senator from Idaho prevails, I understand it will make the appropriation \$42,000,000 instead of \$27,000,000?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. UNDERWOOD. So that those who are in favor of the item should support the amendment to the amendment.

Mr. CARAWAY. Mr. President, will the Senator from Nebraska yield to me for just a second?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. CARAWAY. Mr. President, the Senator from Wisconsin [Mr. LENROOT] rather challenged the figures given by Mr. Newton, which I read, touching the reduction in freight rates from Minneapolis to St. Louis.

Mr. NORRIS. Mr. President, I wish to say to the Senator that I would just as lief yield the floor and resume it after he concludes. I did not expect to speak about what the Senator is discussing, but I can see that he ought to be permitted to say what he wants to say on that subject now.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. CARAWAY. Mr. President, I am sorry that I interrupted the Senator from Nebraska, but the Senator from Wisconsin wanted to know the authority for the statement as to the reduction of freight rates on lines paralleling the Mississippi River and the rates that prevailed from Minneapolis to Kansas City. At the time the inquiry was made I did not have the authority, but I wish to say that the information comes from the report of the Interstate Commerce Commission.

Since I have the floor I should like to call attention to a number of other discriminations, if I may be permitted to use that term, or, at any rate, instances showing that to points which have a river or sea connection freight rates are very much cheaper. I could take the rates from Portland, Me., to New Orleans, a distance of 1,686 miles, and show that the freight rate on first-class freight is \$2.51, while from Dallas, Tex., to New Orleans, a distance of 515 miles, the rate is \$3.315. The rate between Boston and San Francisco on fruits is just exactly the same as the rate upon the same class of freight between San Francisco and Kansas City, which is just half the distance. In other words, all the points that have water-competing rates have rail rates that are not exceeding half and in some cases are less than one-third of the rail rates between points equidistant but having no water rates.

Mr. NORRIS. Mr. President, the information just given by the Senator from Arkansas [Mr. CARAWAY] is exceedingly enlightening. You will notice that he has given not what has been the rate, but the rate as it stands to-day. I should like to be sure of that, and I will inquire of the Senator from Arkansas: The rates that the Senator has just given are rates now in existence, are they?

Mr. CARAWAY. Rates now in existence or that were recently in existence.

Mr. NORRIS. Yes. The statement was made by somebody during the debate some time to-day or yesterday that while these things existed in the past they did not exist now. While I have not looked up any rate in reference to the debate on this bill at this time, I am satisfied that the discrimination that

has frequently been pointed out, that has existed in the past, still exists. We have it with us now.

Mr. President, I do not believe that any man can justify the condition that the Senator from Arkansas has pointed out, for instance, in the rate from Portland, Me., to New Orleans, something over 1,800 miles, being much less than the freight rate on the same material from Dallas, Tex., to New Orleans. It seems to me that the discrepancy, the injustice, is so apparent that it can not be justified on any ground whatever.

I do not want to cast any vote or take any action here that would injure any legitimate harbor or river or other improvement that may be contemplated by this appropriation. Since I have been in Congress I have been one of those who have usually opposed the river and harbor bills. I think those of us who opposed those bills were doing what we thought was good service to the country and to the taxpayers who had to foot the bills. I never have believed that any river and harbor bill with which I have ever been familiar was all wrong. I never have examined one yet but that it had, in my judgment, a great many good items in it, a great many instances where the Government could properly expend the money that was provided for in the bill. But, Mr. President, it became common knowledge over this country—common belief, at least, on the part of practically all the people—that a river and harbor bill and a public buildings bill were two species of congressional legislation that could not be defended as a whole. They were designated—I think, as a rule, properly so—as logrolling propositions, containing a vast amount of appropriations for the expenditure of public funds that could not be defended upon any just and fair economical consideration.

I believe that the opposition that has taken place in the past to river and harbor bills, while it usually failed, and sometimes resulted in a compromise, has in the end done a great deal of good. As far as my limited time has permitted me to examine the particular uses to which this lump-sum appropriation is going to be put, I believe it is the best river and harbor appropriation that I have ever examined. It has a great many meritorious things in it. But, Mr. President, the reputation of a river and harbor bill has been built up by the kind of legislation that I have outlined; and the good and the bad have been classified, perhaps wrongfully, as a system of logrolling legislation that was unjustified, as a pork-barrel proposition. Like Old Dog Tray, who had to suffer because he was in bad company, those who have good items in the bill have to take the blame oftentimes because of the bad items that are likewise in the bill. I think there are some such items—as far as I have examined the bill, I think there are quite a good many such items—in this bill; that is, they are not in the bill proper, but they are included in the rivers and harbors that are going to be improved by the use of this lump-sum appropriation. They are included in the report of the engineers among the purposes for which this money is going to be used, and the use of a great deal of the money for these purposes can not be justified.

There is another reason now, Mr. President, why we ought to be more careful than in the past, and that is because of the necessity for economy in legislation. We have heard it preached by all political parties, by all people, by all newspapers, that the strictest kind of economy in appropriations was necessary now in this Government, as, indeed, it is necessary in every other government. We now have conditions confronting us that never have confronted us before when we were considering a river and harbor appropriation bill or a public buildings bill. We ought not only to scrutinize the bill so closely that we could throw out every proposition about which there was any doubt but we ought perhaps under existing conditions to delay a good many meritorious propositions that can be delayed without loss to the taxpayers.

Mr. President, in the report of the engineers printed in the Record yesterday, and printed in the Record at the request of a Senator who is in favor of appropriating \$56,000,000 for this purpose, there are a great many items that require only a glance to tell that they ought to be excluded, at least at the present time, and some of them perhaps forever, certainly until the conditions show that there would be some reasonable excuse for the expenditure of public money upon them.

Here is one river that is to be improved where they expect to use \$2,000 for maintenance out of this fund, and in the year 1921 the commerce on that river was 2,544 tons. In round numbers that is about \$1 a ton out of the Public Treasury for maintenance alone. It is not contemplated in the case of that river to make anything new, but for every ton of freight shipped on the river it costs the Government of the United States practically \$1 to keep the river in condition so that it can be shipped.

Mr. GOODING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. NORRIS. Yes; I yield.

Mr. GOODING. I should like to ask the Senator if he has any knowledge of the influence of that particular river on freight rates in the surrounding country?

Mr. NORRIS. No.

Mr. GOODING. I want to say to the Senator that in my State the only chance for water transportation to the ocean which we had a few years ago was at Lewiston, Idaho. Because of the fact that there is possible water transportation there the people at Lewiston, Idaho, enjoy very much lower freight rates than the people at any other point in my State. Is it not possible, after all, that these projects that we are discussing here over which there is only a small amount of freight moving are of great benefit to the farmers of that particular community? It is true in my State, so far as the only river is concerned over which there is a possible chance for a boat to reach the ocean, although none is moving at the present time; but it is there.

Mr. NORRIS. Yes, Mr. President; I will say, in answer to the Senator's question, that what he suggests is possible. Because it is possible, however, is that a sufficient reason for the appropriation of this money? Ought we not, before we use the money that is taken from an overburdened people by taxation, to require that a showing should be made, not that such a thing may be possible, but that there is some reason, some probability within reason, that if we expend the money we will get good returns from it?

Mr. GOODING and Mr. SPENCER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield; and if so, to whom?

Mr. NORRIS. Yes; I yield to both Senators. I yield to the Senator from Idaho first.

Mr. GOODING. I will ask the Senator if it is not possible also that there is a violation of the fourth section of the interstate commerce act, as amended, in those particular communities where but very little use is made of the river?

Mr. NORRIS. Yes; that is possible, I will say to the Senator. All things are possible.

Mr. GOODING. That it has practically destroyed the water competition?

Mr. NORRIS. That may be possible.

Mr. GOODING. It is possible, and it is the fact in many communities.

Mr. NORRIS. I will say that that is possible; but before we take money out of the Federal Treasury it is not enough to show a possibility, in my judgment. Especially is that true now under existing conditions.

I now yield to the Senator from Missouri.

Mr. SPENCER. Mr. President, I agree with the Senator from Nebraska that more than a mere possibility ought to be shown. The necessity for the appropriation ought to be shown beyond a reasonable doubt; but I ask the Senator from Nebraska whether he has considered the fact that out of more than 200 projects which the Engineer Department regarded as essential last year Congress picked out 36 as being strategic and necessary; and if this appropriation were reduced, as the Senator from Wisconsin proposes, to \$42,000,000 not one dollar could be expended for any one of those 36 new projects? Those include Milwaukee, Galveston Harbor—where there is a real peril—Coos Bay in Oregon, and so on, the 36 strategic projects which need immediate attention. I say that for this reason, and I thank the Senator for his courtesy: The \$56,000,000 is made up of the appropriation of last year, \$42,000,000, plus \$13,000,000, which is necessary for the new projects, and if it is cut down to \$42,000,000 not one dollar can be expended upon the new projects.

Mr. NORRIS. Why does the Senator say that if this appropriation is cut down there will be nothing spent at Galveston, Tex.? What authority has he for that statement?

Mr. SPENCER. Because Galveston, Tex., is a new project.

Mr. NORRIS. Oh, I beg the Senator's pardon.

Mr. SPENCER. I do not mean old Galveston; I mean the extension of the wall.

Mr. NORRIS. That is what I mean.

Mr. SPENCER. It is a new project that was ratified by Congress last year—I have the act in my hand—and that is one of the new projects, for which \$600,000 is appropriated. That is a part of the \$13,000,000 that makes the difference between \$42,000,000 and \$56,000,000.

Mr. NORRIS. Is the Senator aware that this very day in the Senate the Senator from Florida, in answer to interrogatories by me, read the testimony of General Taylor, in which

he said that they would be able to take care of Galveston even though there was no increase above the Budget estimate?

Mr. SPENCER. Mr. President, that is impossible—

Mr. NORRIS. That is in the testimony, from the man who has charge of all of it.

Mr. SPENCER. Because the Budget calls for \$27,000,000, and the harbors upon the eastern seacoast and the western seacoast alone will require \$27,000,000 for their maintenance. There would not be left in the Treasury a single dollar available for rivers. Here are the figures: \$19,000,000 for new work and \$7,000,000 for maintenance, which takes up the entire appropriation in harbors alone.

Mr. NORRIS. The Senator was not here this afternoon when we went over that to the extent that we read the testimony taken before the committee, and that particular harbor was mentioned by General Taylor in his testimony, who said they were going to complete it anyway, even if they did not get any additional money.

Mr. WADSWORTH. They have complete discretion, with the approval of the Secretary of War.

Mr. NORRIS. Of course they have.

Mr. WADSWORTH. There is nothing binding in this report at all.

Mr. NORRIS. To say that because we cut down the appropriation this particular place or that particular place will have to be cut out is to say that we will not be able to use any of the money appropriated. Nobody proposes to cut this appropriation below \$27,000,000. It is true some places will have to be left out. Suppose they leave out a place like the river I have just read about, where it costs a dollar a ton for every ton that is moved over it to keep the river in shape so that traffic can be moved.

Mr. WADSWORTH. There are many worse than that.

Mr. NORRIS. Yes, there are a number worse than that. Let neither the Senator from Missouri nor anybody else get the idea that I want to have the appropriation for those harbors or rivers or bays cut down, whatever they may be, which, in the judgment of the proper officials, should be cared for to the extent of the appropriation that is made. I do not want to have the appropriation entirely cut out. I believe that under existing conditions we ought to cut this down. I think we ought to cut it down to \$27,000,000. There will then be some worthy places which ought to be worked on, where there must be delay. For instance, it developed this afternoon in the debate that General Taylor testified that if they got the \$56,000,000 he expected to use seven or eight million on the Ohio River, and that with that money he expected to commence three new dams and work on them, as well as working on other dams which are partially completed. I would not want to prevent work on the dams which are partially completed. I do not want to prevent the building of those three new dams when we can do it properly and are in better financial shape to do it. I would not want to injure the existing conditions by stopping work on a dam, as the Ford followers did with the Muscle Shoals project, and to so fix an appropriation that it would not be usable during the season of the year when they could do good work. I do not want to injure the Government in that way. I would like to see the work on the Ohio River, where the Government has partially built a dam, go on at a reasonable rate, at a rate which would, under all the circumstances, be economical and proper; but with the present condition of the Treasury of the United States, with the present condition of the taxpayers of the United States, I would not start on any new projects. I would utilize the appropriation on the existing work, and we can do with less than \$56,000,000.

Mr. STANLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. NORRIS. I yield.

Mr. STANLEY. The Senator speaks of completing dams which have been started, but delaying the construction of new dams. It is true that work of that kind after it is started is very much more costly if the work is stopped, because floods and atmospheric conditions tend to disintegrate the work already done unless it is brought to completion as rapidly as possible.

Does the Senator realize the enormous economic waste, such as no private concern is guilty of, in constructing dams as we have constructed the dams on the Ohio River? There is a stream which carries more tonnage than enters New York Harbor. There is no harbor on this continent which handles as great a tonnage as is carried on the Ohio River. Coal has been transported on that river for five-tenths of a mill per

ton-mile, and the average rate for like commodities on the railroads is 700 times that much.

Dams have been constructed over a stretch of 500 miles on the upper part of that rapidly falling stream where, in order to get a 10-foot pool, the dams had to be placed 6 or 8 or 10 miles apart. Now we have reached a stage of the river within 120 feet of sea level in an unbroken plane where one dam gives us a pool 30 miles long. Yet with the expenditure of all the millions we have spent the canalization of the Ohio River, with the prime purpose of giving us an unbroken waterway to the Mississippi River, is comparatively useless for through freight as long as there is one shoal, as long as there is one sand bar, as long as there is less than a 6-foot channel available. So the completion of two or three dams on the Ohio River not only makes available that portion of the river but opens to the commerce of the United States, through the industrial heart of this continent, the whole length of that great stream and multiplies by many hundred per cent the value of every dam hitherto constructed. Why this delay? Why this penny-wise and pound-foolish policy? Why this procrastination in an improvement of known value? Why continue this policy of holding a dime so close to your eye that you can not see the dollar, I can not understand.

Again I wish to ask the Senator from Nebraska about the item he has just mentioned. What is the item which the Senator thinks is so objectionable?

Mr. NORRIS. I did not read any item that I thought was particularly objectionable, any more than 15 or 20 others I could have read.

Mr. STANLEY. An item where it costs a dollar a ton to transport the freight.

Mr. NORRIS. There are lots of them.

Mr. STANLEY. I wanted to get the one item.

Mr. NORRIS. The Senator wanted to get the one I read?

Mr. STANLEY. Yes, for the purpose of illustrating a point.

Mr. NORRIS. Does the Senator want the name of that stream?

Mr. STANLEY. Yes.

Mr. NORRIS. I do not know whether I can find it or not. I do not know whether I will get the same one.

Mr. STANLEY. Any one of them. One will do as well as another.

Mr. NORRIS. Take the Blackwater River, in Virginia, then.

Mr. STANLEY. What is the objection to that?

Mr. NORRIS. I have not made any. The Senator wanted me to give an item, so that he could argue.

Mr. STANLEY. I wanted to ask the Senator about some item to which he was objecting.

Mr. NORRIS. I will object to that one.

Mr. SWANSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. NORRIS. No; not at the present time. The Senator from Kentucky has not finished the question he was asking me.

Mr. STANLEY. This is my purpose, I will say to the Senator from Nebraska: I want to know the specific ground of his objection to some one of these items, so that I can get the Senator's viewpoint.

Mr. POINDEXTER. Which one?

Mr. STANLEY. I do not care which one he takes.

Mr. NORRIS. I gave my objection. The Senator does not want me to repeat it, does he?

Mr. STANLEY. If I understood the Senator, he said the amount of tonnage carried on the river previous to the improvement was so slight that the rate would amount to a dollar a ton on the traffic carried.

Mr. NORRIS. No. Improvement is not spoken of at all. I said that the cost of maintenance was practically a dollar a ton for the total amount of freight carried on the river.

Mr. STANLEY. I wanted to call the Senator's attention to this proposition, that if we take the freight carried prior to an improvement, it is totally misleading. I will give the Senator an illustration. There is no more pressing need now than to overcome, as far as possible, the seasonal lack of coal cars. Whenever the demand for coal in this country reaches its maximum—that has been the history for 10 years—there is a total failure on the part of the railroads in transporting the coal, and will be a total failure for many years to come. Since the last coal strike was settled we have had miners ready and willing to work and coal available to supply twice the amount needed by the people in the middle of this winter. The trouble is with the transportation. As soon as that demand is met, in a few months, you will find the tracks and sidings all over the United States littered with empty coal cars. We have

more coal cars than we need when there is no great demand, during the period when there is slight demand, and not half as many as are necessary when the demand is abnormal.

There is a little stream which feeds the Ohio down near Shawnee Town. There is a proposition, for instance, to extend the canalization of that little stream up for about a mile or two. The record will show that practically no freight is carried on that stream at present. The dredging of that stream furnishes water transportation to the most remarkable coal field in that region. There are already thousands of tons of coal practically contracted on account of its by-product and gas qualities in St. Louis and other large markets. If those coal fields can be reached by water transportation, at the very time coal cars can not be obtained, there will be uninterrupted water transportation.

The quickest and surest way to solve this apparently unsolvable problem of a seasonal breakdown in transportation facilities is to reach the coal regions, wherever they are adjacent to navigable waters, by improving those streams. This slight improvement on the one stream that has practically no tonnage now would bring about a thousand times as much as is carried on the stream at the present time. We can not judge accurately by the meager data that we have as to the propriety or the wisdom of the improvements. None of them can be accomplished without the approval beforehand of competent Army engineers.

Mr. NORRIS. I have forgotten the question the Senator asked me, but I will proceed.

Mr. HEFLIN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. In just a moment I will yield to the Senator from Alabama. The Senator from Kentucky has well told what I think is necessary, and much better than I could have said it, but I would have said in substance a good deal of what he has said about the development of streams under the circumstances he outlined. If we can develop a stream that would reach the coal mine or a number of coal mines, I would be in favor of doing it; but when we did it, and the coal was developed and the Government had spent the money in improving the navigability of the stream so they could carry the coal out, does anyone suppose that the result would be that there would be any coal carried out? The case the Senator puts would be a proper one to develop. The stream he has described as running to the coal fields would be the kind of stream we ought to spend money on in making it navigable, but when we got it navigable the shipment of coal would commence and we would get some results from it and we would not be paying for the maintenance of the stream a dollar a ton for all the coal that was shipped out.

So that, with all due respect to the illustrious Senator from Kentucky, I do not believe that the river or the stream he has outlined, whether it be a real one or an imaginary one, has anything to do with the objection I am making to streams where those conditions do not exist.

I now yield to the Senator from Alabama.

Mr. HEFLIN. I was just wondering if we could not get some kind of an agreement by which we could vote on the amendment and the amendment to the amendment and then take a recess until to-morrow. It is growing rather late. If we could agree to vote on the two amendments, I would like to see that arrangement made. I do not think the Senator from Utah [Mr. KING] has any objection to such an arrangement.

Mr. UNDERWOOD. Mr. President, I do not want to cut off any debate by making a motion to lay on the table, so I am waiting until the debate ceases. I want to test the sentiment of the Senate on the proposition. When no Senator desires to debate further, I intend to make a motion to table the amendment to the amendment and the amendment and find out how the Senate stands on the question. Of course, whenever the vote comes, it will determine that question; but I make this statement because I do not want to take the floor to make the motion for the purpose of cutting off debate.

Mr. NORRIS. I do not want to delay a vote. While I have held the floor a good while already, I have not had an opportunity to talk very much. It is often true in the Senate that the Senator who holds the floor does not do the talking. But that has not been my fault.

I was going to read, when the interruptions took place, several other items.

Mr. SWANSON. Mr. President, will the Senator permit me to interrupt him briefly?

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. SWANSON. I wish to make a brief statement as to the item to which he has called special attention. I simply want to describe it. It is an item having to do with a stretch of 13 miles of the Blackwater River from the little town of Franklin, a very enterprising town on that river. I think the improvement commenced in 1878. We have spent very little money on it.

Mr. NORRIS. In 1878?

Mr. SWANSON. I think we first had a small removal of obstructions there in 1878, but very little money has been spent on it. The traffic amounted to \$303,000, though it was not large in tonnage. It consisted of peanuts and various products raised all along the river by the farmers. They would not otherwise have had access to the market. The commerce amounted to \$300,000 that year. It is an enterprising town. In Franklin they have some railroad traffic, and I suspect most of it is picked up down the river. They have two steamers that have been regularly plying there for the last two years.

I am satisfied that there would be no development there in an agricultural way except for this small expenditure of money. The proposition is to expend \$2,000 this year for the removal of some snags or obstructions that have come into the river. That is all that is needed to take it up and make it accessible to the two steamers.

I simply wanted to make this brief statement to show the amount of business that is possible as a result of the expenditure of that small amount of money, which is more than usually given to keep it up.

Mr. NORRIS. Now, let us take the Senator's statement at 100 per cent. I have no doubt it is entitled to be taken that way. A small town commenced this development in 1878, and they have come up to 1921—just count the years—and it cost the taxpayers \$2,000 a year to keep that stream open, and there was a little bit over 2,000 tons shipped out.

Mr. SWANSON. Will the Senator let me correct a mistake? It has only cost since 1878 \$22,000. That is the entire amount that has been expended on it in all those years.

Mr. NORRIS. I did not know that. I am glad to get that contribution. Out of the \$56,000,000 that is proposed to be taken from the taxpayers of America, we are going to spend \$2,000 to keep the stream open in order that this enterprising town may continue business.

Mr. SWANSON. I want to tell the Senator something else. All that has been spent on that entire enterprise since it started was \$22,000.

Mr. NORRIS. That is what the Senator said, and I have accepted that statement. Out of the \$56,000,000 to be appropriated when the bill passes and becomes a law the Government engineers propose to spend \$2,000 to keep that stream open for one year. During the last year they have had just a little over 2,000 tons of freight. Should we appropriate from the Public Treasury of the United States funds for conditions of that kind? Are we warranted in doing it? If we are, then I want to call attention to an enterprising little town out in Nebraska—Stockville. It is the county seat of a county entirely agricultural, inhabited by some of the finest people in the world. It is on a stream. If Congress would spend \$22,000 on that stream we could make it navigable for small boats to carry the produce of that community about 20 miles, where they would connect with a railroad. It would not cost \$2,000 a year to keep the stream open, and I would guarantee that we would carry many times more than 2,000 tons of freight every year. Why not do that? If we do that in Virginia, why not do it in Nebraska?

Mr. GOODING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. NORRIS. I yield.

Mr. GOODING. I would say let us do it; but if we are going to strike out all the projects that we now have in the bill there will not be any chance for the Senator to improve his river in Nebraska. Then, again, I want to call the attention of the Senator—

Mr. NORRIS. Let me answer that first. That is a subject about which I want to talk a little.

If we strike this out, then there will not be any money to pay for making navigable, so to speak, the little streams in Nebraska. There, Mr. President, is the foundation of a log-rolling proposition. That is what has given to the river and harbor bills its bad reputation in the past and made good items suffer with the bad ones, because it is a proposition that "If you will scratch my back in Virginia, I will scratch your back in Nebraska. We will open up a stream and help an enterprising village in Virginia, and you will open up another one in Nebraska and help another enterprising village there." If it were carried on all over the country in respect to every enter-

prising village, the cost would be billions instead of millions of dollars.

Mr. GOODING. I would like to ask the Senator, if it is as good a thing as he says it is, ought it not to be done in the interest of the people and in the interest of the taxpayers?

Mr. NORRIS. Surely it ought to be done if somebody else will pay for it, but we are going to ruin the taxpayers before we bring it about if we have to pay it from taxation.

Mr. GOODING. I can not agree with the Senator. Will the Senator let me make myself clear on a question presented before? With the 12,000 violations of the fourth section of the interstate commerce act, there is no question of doubt that where there is any water transportation at all on all these projects the Interstate Commerce Commission has permitted violations of that fourth section. These small projects which carry only a few tons of commerce at the present time, if properly protected as they ought to be, might be carrying one hundred times as much more.

Mr. NORRIS. I agree with that statement.

Mr. GOODING. So it seems to me it is hardly fair to say what projects should be cut out by cutting down the appropriations. We should not be the judges, it seems to me. We can not judge fairly.

Mr. NORRIS. The Senator and I agree on the proposition. He takes what is possible and what I deem is possible. If in a given case it could be demonstrated that that was going to happen, I would be for it, but on the face of it that evidence is not produced. I say the burden of proof is on the men who get the appropriation. When they prove it, I will be for it, with limitations. I will be for it as far as I think we can go in the expenditure of public money without injury to the Treasury of the United States.

Mr. WILLIAMS and Mr. GOODING addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield; and if so, to whom?

Mr. NORRIS. I will yield first to the Senator from Idaho.

Mr. GOODING. I want to say to the Senator from Nebraska that I am sure there is no place in America where there is water transportation but what the railroads have practically destroyed it through violations of the fourth section of the interstate commerce act.

Mr. NORRIS. I again agree with the Senator in regard to violations of the fourth section of the interstate commerce act. I expect to discuss that before I close. I think there has been no excuse for it. There can be no reason given for it. It seems to me it has been unjustified, and I will go as far as any other Senator to stop it; but I am not willing, blindly and without evidence, to appropriate millions and millions of public funds to improve rivers and develop harbors until the evidence shows that there is some reasonable ground for believing that something would come from it. In one of the river and harbor measures that passed the Senate at one time there was a proposition to sink artesian wells in the bed of a stream in order to increase the flow so as to make it navigable. That actually happened in a river and harbor bill. I now yield to the Senator from Mississippi.

Mr. WILLIAMS. Of course, one can very easily reduce any argument to a *reductio ad absurdum* by simply quoting extreme things that have been said or proposed, but after he has done that it is nothing but a play of ingenious intellect.

Leaving the question of rivers and harbors just for a moment and going to the railroads, a cognate question because it deals with the proposition of transportation, how long does the Senator from Nebraska think the population of the United States would have had to wait in order to connect the Atlantic with the Pacific and the Mississippi and the Missouri with the Pacific if they had counted each mile of transportation or each 50 miles or each 100 miles to ascertain if it would give back to the Treasury of the United States the next year more than had gone out? We would still have been a little struggling country along the Atlantic and Mississippi, and the intermediate country where the Senator from Nebraska lives and where some few other Senators live would have been a wilderness. There must be addressed to every legislator a sense of reason concerning the potentialities of the development of a country. If we had built the transcontinental railroad lines simply upon the proposition that they would pay for themselves in the next year or the next 5 years or the next 10 years or the next 20 years we never would have built them at all, of course; and if we are going to wait to have the future prove about a few miles of river bed or a lake coast, that it is to be beyond all mathematical calculation potentially and commercially valuable, we would not improve either a river or anything else.

Mr. President, the entire development of the United States has come from the fact that we pushed westward, spending

money like water for railroads and for water transportation in order to make a great nation of this country stretching from the Atlantic to the Pacific. Amongst the people who opposed that movement in the very early days were a good many of my own ancestors, who did not think that we ought to do that, but the proof of the pudding is in the eating of it. Later on I think everybody has concluded that we did very wisely when we laid down unprofitable lines of railroads between the Atlantic and Pacific—unprofitable then, unprofitable for 20 years afterwards, and some of them unprofitable in their main routes even yet.

The whole philosophy of the rivers and harbors bill consists in a great vision. Of course, upon every river and harbor bill there will appear an unworthy project here and there, because there will appear unworthy men here and there, who will father unworthy projects in order to be elected to the Senate or to the House of Representatives. So far as I can see that may not be very well prevented. The Senator is going off criticizing the sun, about the specks upon the sun. One can not criticize the sun in that way. Here is a great thing that has accrued to the enrichment of the United States, to its homogeneity of population, to its collectivism of government in very way, and has made a nation out of a straggling seacoast. We never have hesitated about spending a few dollars for that purpose, and there is no reason why we should do so. If anybody can point out to me 13 miles of river stretch the improvement of which will not pay for itself right now, but may in 20 years result in bringing to the people of the United States one hundred times the cost of the improvement, although we would have to wait 20 years for the money to come into the Treasury, I shall advocate it.

However, even there the Senator is not striking at the heart of the river and harbor bill, because the heart of it is in the ascertained streams whose ascertained commercial capacity everybody knows. The whole difficulty is that they have been stabbed under the fifth rib by enabling the railroads to make an unfair competition with them, and until we do away with that there can not be the full enrichment which the country should enjoy from its waterways.

A few minutes earlier in the day I attempted to illustrate that and to give the history of certain events which had occurred here in the United States; but the Senator's argument a few minutes prior to the time when I interrupted him amounted simply to saying that some things ought to be cast out of the bill because the number of dollars returned to the Treasury a year or two years or three years from now would not be equal to the number of dollars taken out of the Treasury in order to make the improvement. I deny that there is any common sense or any nationality or any long vision or any great business sense in that sort of argument. When a nation is betting it bets for the future; when the Senator or I, with our limited individual fortunes are betting, we had better go pretty close to the seashore and not bet much beyond what our bank account will permit us to draw on; but when a nation is betting upon the future there can be no "bears" on the United States; every wise man is a "bull."

Mr. NORRIS. Mr. President, I appreciate the question which the Senator from Mississippi has propounded by his short interruption. He has set up a man of straw, charging the straw man to me, alleging that I had made a certain argument, and then he says there is not any sense in it. That argument exists only in the Senator's imagination, for I made no such argument.

Mr. WILLIAMS. But I listened to the Senator for some time, and I thought I understood his argument.

Mr. NORRIS. I am sorry the Senator did not listen to me more intently. I have been interrupted by other Senators. The Senator knew I had the floor and he probably listened to some other Senator who was speaking, and credited me with the argument which that Senator made. The Senator has not got what I stated right at all. I have not adduced or attempted to adduce the argument which the Senator pretends I have tried to adduce.

Mr. President, the Senator's argument, as well as the argument of several other Senators who have interrupted me, is to the effect that we ought to provide for everything at once because it would be better—for instance, as to the Ohio River—to complete all the improvements in one year; otherwise there the improvements which we make this year will not be fully realized on next year because another part of the river lower down is not developed to the same degree. That would be the model way to make river and harbor improvements; that would be the way to proceed if we had unlimited funds. I submit, Mr. President, that there is only one place in the United States, and that is in this Chamber, where a man will be ridiculed if he talks economy for the taxpayers of America; and yet out

on the hustings, on every stump, and in the platform of every political party economy is the watchword; it is the demand made by the people; it is the promise made by the party and by the candidate for office.

Mr. WADSWORTH. Mr. President, will the Senator from Nebraska yield to me?

Mr. WILLIAMS. One other question, and then I shall let the Senator from Nebraska alone.

Mr. NORRIS. I yield first to the Senator from New York.

Mr. WADSWORTH. Mr. President, in addition to the amendment offered by the Senator from Idaho [Mr. BORAH], with the supplemental amendment offered by the Senator from Wisconsin [Mr. LENROOT], I am informed that there are other amendments to be offered to this particular rivers and harbors title of the bill, and that it will be exceedingly difficult, and perhaps impossible, to finish the consideration of the bill tonight. It is now 6 o'clock and 25 minutes p. m., and one of the Senators has made a special request that I move an executive session.

Mr. WILLIAMS. Mr. President—

Mr. WADSWORTH. I desire to ask unanimous consent—

Mr. WILLIAMS. Will the Senator allow me to say a word before he makes the request for unanimous consent?

Mr. WADSWORTH. I will ask the Senator from Mississippi if the discussion may not go on to-morrow? The Senator from Nebraska [Mr. NORRIS] will have the floor in the morning.

Mr. WILLIAMS. I merely wish to ask one question, because I probably will not be here to-morrow morning.

Mr. NORRIS. Very well, Mr. President, I yield to the Senator from Mississippi.

Mr. WILLIAMS. The Senator has mismeasured my argument. I think if there is anybody who realizes the difference between an expenditure and an investment it is I. When I was speaking of river and harbor improvements in the way I did I was viewing them as investments. Very frequently a nation invests a large amount of money in order to receive an ultimate profit of very much more, expecting very little immediate return. I hope the Senator does not think that I do not know the difference between a mere expenditure and an investment. Most of the things where they are worth anything at all are investments and not merely expenditures.

Mr. WADSWORTH. Mr. President, continuing what I was about to say, I ask unanimous consent that at not later than 4 o'clock to-morrow the Senate shall proceed to vote without further debate upon all amendments which may be pending to the rivers and harbors title of this bill.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. Mr. President, that does not mean that we have got to vote upon the Lenroot amendment without an amendment to it?

Mr. NORRIS. There can not be an amendment offered to the so-called Lenroot amendment.

Mr. SMOOT. Is it in the second degree?

Mr. NORRIS. It is already in the second degree.

Mr. SMOOT. Very well. But I wish to give notice now that while I am not going to object to the request for unanimous consent I want a direct vote upon the amendment proposing to make the appropriation \$27,000,000, which, as I understand, is the so-called Borah amendment.

Mr. NORRIS. I agree with the Senator. I want a direct vote upon that proposition; but if the Lenroot amendment shall prevail, we will not have an opportunity to vote on it.

Mr. SMOOT. Why could we not have a unanimous-consent agreement that we shall first vote on the proposal to make the amount \$27,000,000 and then on an amendment proposing to make the appropriation \$37,000,000 and last on the amendment proposing to make it \$42,000,000 rather than to vote upon the larger amount first?

Mr. UNDERWOOD. The Senator is wasting time in asking that that be done, because he will not get unanimous consent to do it.

Mr. WADSWORTH. The yeas and nays have already been ordered on these amendments.

The PRESIDING OFFICER. On both amendments the yeas and nays have been ordered.

Mr. TOWNSEND. The Senator can bring up the question in the Senate.

Mr. SMOOT. I am perfectly aware of that; but the proper way to do is to vote on the smaller amount first, then on the next larger one, then on the third, and so on.

Mr. SWANSON. We are proceeding according to the rules of the Senate.

Mr. SMOOT. I am perfectly aware of that; but I think the proper way is to vote on the amendments in the manner in which I have suggested.

Mr. SWANSON. Then the rules of the Senate ought to be amended.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that at not later than 4 o'clock tomorrow the Senate without further debate shall vote upon all amendments which may then be pending to the rivers and harbors title of the pending bill.

Mr. ASHURST. Or amendments that may be offered.

The PRESIDING OFFICER. Or amendments that may be offered. Is there objection? The Chair hears none, and the order will be entered.

The unanimous-consent agreement was reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at not later than 4 o'clock p. m. on the calendar day of Thursday, February 8, 1923, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, on any amendment that may be offered, to the rivers and harbors title of the bill H. R. 13793.

Mr. WADSWORTH. I ask the Senator from Nebraska if he is willing to yield at this time in order that the Senate may proceed to the consideration of executive business?

Mr. NORRIS. If it is the wish of the Senator from New York to take that course, I will yield for that purpose.

Mr. WILLIAMS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. WILLIAMS. Is it the intention of the Senator from New York, after the executive session, to move that the Senate shall adjourn or that it shall take a recess?

Mr. WADSWORTH. An order has already been entered that the Senate shall take a recess until 12 o'clock to-morrow.

Mr. WILLIAMS. I did not know that. I think we ought to have some opportunity to consider bills on the calendar. The time of the present Congress is getting short, and I think the calendar ought to be sounded for unobjected bills. I hope, therefore, the Senator from New York will move that the Senate adjourn.

Mr. WADSWORTH. It is not the purpose of the Senator from New York to move to adjourn until the pending bill shall have been passed.

Mr. WILLIAMS. Then I hope that at an early date we may have an opportunity to consider bills on the calendar.

EXECUTIVE SESSION.

Mr. WADSWORTH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened and (at 6 o'clock and 33 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Thursday, February 8, 1923, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 7 (legislative day of February 5), 1923.

UNITED STATES ATTORNEY.

Edward W. Miller, of Wisconsin, to be United States attorney, eastern district of Wisconsin, vice H. A. Sawyer, resigned.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

ADJUTANT GENERAL'S DEPARTMENT.

Col. Harvey Wolfarth Miller, Infantry, with rank from July 1, 1920.

Maj. John Southworth Upham, Infantry, with rank from July 1, 1920.

Maj. Clarence Hagbart Danielson, Infantry, with rank from July 1, 1920.

QUARTERMASTER CORPS.

Capt. Eugene Edmund Barton, Infantry, with rank from July 1, 1920.

Capt. William Franklin Campbell, Infantry, with rank from July 1, 1920.

Capt. James Charles Longine, Cavalry, with rank from July 1, 1920.

Capt. Christian Allen Schwarzwaelder, Infantry, with rank from July 1, 1920.

Capt. Edwin Sanders Van Deusen, Infantry, with rank from July 1, 1920.

Capt. Harold William Keller, Infantry, with rank from July 1, 1920.

First Lieut. Walter Christian Thee, Coast Artillery Corps.

ORDNANCE DEPARTMENT.

Capt. Joel Grant Holmes, Coast Artillery Corps, with rank from January 17, 1920.

Capt. Miles Whitney Kresge, Coast Artillery Corps, with rank from July 1, 1920.

Capt. Roswell Eric Hardy, Infantry, with rank from July 1, 1920.

Capt. John Huling, jr., Infantry, with rank from July 1, 1920.

First Lieut. Ward Edwin Becker, Coast Artillery Corps, with rank from July 29, 1919.

First Lieut. Clyde Hobart Morgan, Coast Artillery Corps.

FIELD ARTILLERY.

Maj. George Meredith Peek, Coast Artillery Corps, with rank from July 1, 1920.

Capt. William Foster Daugherty, Cavalry, with rank from March 27, 1920.

Capt. Miron James Rockwell, Infantry, with rank from July 1, 1920.

Capt. Duncan Thomas Boisseau, Infantry, with rank from July 1, 1920.

First Lieut. Murray Charles Wilson, Chemical Warfare Service, with rank from July 1, 1920.

Second Lieut. Harold Arthur Doherty, Infantry.

COAST ARTILLERY CORPS.

Capt. Nelson Hammond Duval, Quartermaster Corps, with rank from July 1, 1920.

Capt. Erwin Adolph Manthey, Quartermaster Corps, with rank from July 1, 1920.

AIR SERVICE.

First Lieut. Raymond Carl Zettel, Infantry, with rank from July 1, 1920.

POSTMASTER.

OHIO.

Henry A. Taylor to be postmaster at Cleveland, Ohio, in place of W. J. Murphy. Commission expired September 19, 1922.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 7 (legislative day of February 5), 1923.

PROMOTIONS IN THE NAVY.

To be captain.

William V. Tomb.

To be commander.

Carl T. Osburn.

To be lieutenant commanders.

Robert Gatewood.

Albert R. Mack.

Jay L. Kerley.

Henry M. Kieffer.

James L. King.

William D. Taylor.

John H. Falge.

Charles P. Mason.

John J. Brown.

To be lieutenants.

Jarrard E. Jones.

Alexander B. Holman.

Joseph W. Storm.

Edwin F. Bilson.

Floyd S. Crosley.

Allen D. Brown.

Charles E. Olsen.

Charles E. Coney.

Albert R. Staudt.

Willis W. Pace.

Charles H. Rockey.

Edgar R. Winckler.

George Paille.

Lewis P. Harris.

Guy R. Bostain.

James N. McTwiggan.

George A. Ott.

Emil Chourre.

Robert H. Harrell.

Thomas B. Lee.

David A. Musk.

Maxwell B. Saben.

John McC. Fitz-Simons.

Victor F. Marinelli.

Cecil F. Harper.

Harvey R. Bowes.

Frank R. Whitmore.

Albert E. Dupuy.

Barrett Studley.

Herbert A. Anderson.

To be lieutenants (junior grade).

Charles C. Stotz.

Frank Kinne.

George C. Neilsen.

Thomas G. Shanahan.

George Schneider.

Laurie C. Parfitt.

Edward G. Evans.

Walter E. Holden.

Olaf J. Gullickson.

Harry A. Mewshaw.

Hubert K. Stubbs.

Franklin E. Cook.

Gurney E. Patton.

Warren R. Hastings.

John O. Jenkins.

Ove P. O. Hansen.

Wallace H. Gregg.

Milton P. Wilson.

James P. McCarthy.

Fred J. Barden.

Ralph W. Floody.

Joseph A. Guard.

Glenn S. Holman.

Paul G. Haas.

James C. Taylor.

Joseph W. Mullally.

Joseph H. Seyfried.

Donald McK. Weld.

Walter O. Roenicke.

John L. Albice.

Kenneth C. Manning.

Horatio G. Sickel, 4th.

Norman B. Hitchcock.
Delmer S. Fahrney.
Augustus J. Wellings.
Stanley E. Martin.

William H. Hutter.
Frank M. Maichle.
James B. Carter.
William M. Smith.

To be passed assistant surgeon.

Robert M. Cochran.

To be passed assistant dental surgeon.

Julian A. Turrentine.

To be passed assistant paymasters.

Frank J. Manley.
William Elliott.
Lester B. Karelle.
Ellory F. Carr.
Forrest Ivanhoe.

George F. Yoran.
James M. McComb.
Frank P. Delahanty.
Hunter J. Norton.
John H. Skillman.

To be naval constructors.

William B. Fogarty.
Charles L. Brand.

To be civil engineer.

Roscoe L. Martin.

To be chief pay clerk.

John F. Flynn.

MARINE CORPS.

Harry M. Leighley to be second lieutenant.

POSTMASTERS.

FLORIDA.

Royal W. Storrs, De Funiak Springs.
Lera H. Taylor, Mayo.
James R. Pomeroy, Stuart.

LOUISIANA.

James M. Cook, Oakdale.

NEBRASKA.

Richard L. Roach, Maywood.
Charles G. Anderson, Shelby.
Roscoe Buck, Springview.

NORTH CAROLINA.

Clarence M. McCall, Biltmore.
Edward F. Yarborough, Louisburg.

SOUTH CAROLINA.

Virginia M. Bodie, Wagener.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 7, 1923.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Holy, holy, holy Lord God Almighty, we thank Thee that Thou dost show us from day to day the great and marvelous things. We pray for the forgiveness of our sins and for the redemption of our whole nature. Be Thou a defense to our peculiar weakness, and when temptation thickens around help us to recover our courage and faith. Work in us a sweet patience and a childlike trust in our Heavenly Father. Help us the solution of the difficult problems that perplex mind and heart. Cause the strong to come forth in defense of the weak, the poor, and the helpless, and bless our people everywhere with the bounties of Thy love. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

JOINT SESSION OF SENATE AND HOUSE.

Mr. MONDELL. Mr. Speaker, I offer the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Wyoming offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Concurrent Resolution 82.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, the 7th day of February, 1923, at 1 o'clock in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The resolution was agreed to.

QUESTION OF PERSONAL PRIVILEGE.

Mr. HERRICK. Mr. Speaker, I rise to a question of personal privilege for the purpose of presenting a resolution which I think is privileged.

The SPEAKER. The gentleman will state his question of privilege.

Mr. HERRICK. Well, it is a matter in which I consider that the House—

The SPEAKER. The gentleman will send up his resolution. [After examining the resolution.] The Chair thinks the gentleman is entitled to have this read, so that the House can consider whether it is a question of privilege or not.

The Clerk read as follows:

Whereas on February the 6th, 1923, the Washington Times and the Washington Herald published a libelous, slanderous, and infamously false article to the effect that I, MANUEL HERRICK, a Member of Congress, had been sued for breach of promise by a Follies beauty, and had called himself a "Spark-plug lover," that a hated rival had broken up my romance, and that I had engaged a detective to spy upon an innocent girl, and other false and slanderous matter; and Whereas no Member of Congress is immune from equally vicious and libelous accusations: Therefore be it

Resolved, That any and all representatives of the Washington Times and Washington Herald be, and are hereby, expelled and debarred from the press gallery, the cloak rooms, corridors, and lobby of the House of Representatives during the remainder of the Sixty-seventh Congress.

Mr. MONDELL. Mr. Speaker, a point of order.

The SPEAKER. The Chair does not think this resolution presents a question of privilege.

Mr. MONDELL. And as a motion it is not in order.

The SPEAKER. The Chair sustains the point of order.

Mr. HERRICK. Will the gentleman from Wyoming consent to some specific time—

CALENDAR WEDNESDAY.

Mr. MONDELL. Mr. Speaker, this is Calendar Wednesday.

The SPEAKER. The Clerk will call the committees.

The Clerk called the Committee on Agriculture.

"CROP FAILURE" DEFINED.

Mr. HAUGEN. Mr. Speaker, I call up S. 2023, defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed, and for other purposes.

The SPEAKER. The gentleman from Iowa calls up a bill, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union for its consideration. The gentleman from New York [Mr. HUSTON] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. HUSTON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of S. 2023, which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That a yield of 5 bushels or less per acre of wheat, rye, or oats on lands owned by those in the drought-stricken regions who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed, and the same is hereby declared to be a failure, and the borrower whose yield was 5 bushels or less per acre be, and he is hereby, released from repayment of the amount borrowed by him from the Government: *Provided*, That nothing herein shall release the borrower who signed a guaranty-fund agreement and whose crop was not a failure from making the contribution provided for in such agreement, but said guaranty fund shall be used as stipulated in the agreement to the settlement of the loans to those whose crop was a failure: *Provided further*, That any such borrower whose crop was a failure, as herein defined, and who made payment on his loan prior to May 31, 1920, shall be fully reimbursed from such guaranty fund.

Mr. HAUGEN. I yield to the gentleman from Kansas [Mr. TINCHER] such time as he desires.

Mr. TINCHER. Ten minutes.

Mr. HAUGEN. I yield to the gentleman from Kansas 10 minutes.

Mr. TINCHER. Mr. Chairman, I take the time of the committee only for the purpose of making clear what this resolution is about. I do not want the committee to confuse this resolution with the loans made to the farmers out of Government funds since the war.

During the fall of 1918 there was an effort made upon the part of the Government, through the several agencies then in existence because of the war, to procure increased production of grain, and a number of loans were made to farmers in an effort to get them to try to raise wheat in a territory where they had not previously found it profitable to plant wheat. These loans were not made as the loans recently authorized were made. They were made on a contract that called for as high as 100 per cent interest. The farmer who planted wheat in these arid regions was a patriot and doing it for his Government, and he